E/1995/22
E/C.12/1994/20

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE TENTH AND ELEVENTH SESSIONS

(2-20 May 1994, 21 November-9 December 1994)

ECONOMIC AND SOCIAL COUNCIL

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ABBREVIATIONS

FAO	Food and Agriculture Organization of the United Nations
GDP	Gross domestic product
IBRD	International Bank for Reconstruction and Development (World Bank)
ILO	International Labour Organization International Labour Office
IMF	International Monetary Fund
MERCOSUR	Mercado Común del Sur
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRISD	United Nations Research Institute for Social Development
WHO	World Health Organization

Chapter I

Eleventh session

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

DRAFT DECISION I

Extraordinary additional session for the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, noting the backlog of States parties' reports awaiting consideration by the Committee on Economic, Social and Cultural Rights, and being aware that such a situation seriously undermines the effectiveness and threatens the credibility of the system for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights, authorizes, on an exceptional basis, the holding of an extraordinary additional session, of three weeks' duration, of the Committee in the second half of 1995. Additionally, the Council authorizes a special five-day meeting of the Committee's pre-sessional working group, to be held immediately following the conclusion of the Committee's twelfth session, in order to prepare for the consideration of States parties' reports during the extraordinary additional session of the Committee.

DRAFT DECISION II

Payment of honoraria to members of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, recalling its decision 1993/297 of 28 July 1993, in which it endorsed the recommendation of the Committee on Economic, Social and Cultural Rights that payment should be authorized to each member of the Committee of an honorarium equivalent to that payable to the members of other relevant treaty bodies, such as the Human Rights Committee, notes that no action has yet been taken on this matter by the General Assembly in response to that decision. In order to avoid continuing delays in this matter the Council urges the General Assembly to give speedy attention to this matter.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 9 December 1994, the closing date of the eleventh session of the Committee on Economic, Social and Cultural Rights, 129 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its eighth session, requested the Economic and Social Council to authorize, on an exceptional basis, the holding of an additional session of the Committee in the first half of 1994. [1/] The Economic and Social Council, by its decision 1993/296 of 28 July 1993, endorsed the Committee's recommendation. Accordingly, in 1994, the Committee held its tenth session from 2 to 20 May and its eleventh session from 21 November to 9 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its tenth and eleventh sessions is contained in the relevant summary records (E/C.12/1994/SR.1-28 and E/C.12/1994/SR.29-56, respectively).

C. Membership and attendance

4. All members of the Committee, except Mr. Abdel Halim Badawi and Mr. Alexandre Muterahejuru, attended the tenth session. Mr. Kenneth Osborne Rattray attended only part of the session. All members of the Committee, except Mr. Abdel Halim Badawi, Mr. Alexandre Muterahejuru and Mr. Kenneth Osborne Rattray, attended the eleventh session.

5. The following specialized agencies and United Nations organs were represented by observers at the tenth session: ILO, UNESCO, WHO and UNDP; at the eleventh session: ILO, WHO, UNESCO, UNHCR and UNICEF.

[1/] E/1994/23, chapter I, draft decision I (Extraordinary additional session for the Committee on Economic, Social and Cultural Rights).

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the tenth session:

Category II: Habitat International Coalition and International Service for Human Rights;

and at the eleventh session:

Category I: World Federation of United Nations Associations;

Category II: Habitat International Coalition, International Service for Human Rights, Women's International League for Peace and Freedom;

Roster: Foodfirst Information and Action Network (FIAN).

D. Pre-sessional working group

7. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairman to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990 the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

8. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet.

Prior to the tenth session:

Mr. Abdessatar GRISSA
Mrs. Luvsandanzangiin IDER
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV
Mr. Alexandre MUTERAHEJURU

Prior to the eleventh session:

Mr. Philip ALSTON
Mrs. Virginia BONOAN-DANDAN
Mr. Abdessatar GRISSA
Mr. Dumitru CEAUSU
Mr. Javier WIMER ZAMBRANO

9. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 13 to 15 December 1993 and from 27 June to 1 July 1994, respectively. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Officers of the Committee

10. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

Chairperson:	Mr. Philip ALSTON
Vice-Chairpersons:	Mr. Juan ALVAREZ VITA Mr. Alexandre MUTERAHEJURU Mrs. Margerita VYSOKAJOVA
Rapporteur:	Mrs. Virginia BONOAN-DANDAN

F. Organization of work

Tenth session

11. The Committee considered its organization of work at its 1st meeting on 2 May, 3rd meeting on 3 May, 5th and 6th meetings on 4 May, 7th meeting on 5 May, 14th meeting on 10 May, and 28th meeting on 20 May 1994. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the tenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1994/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth sessions (E/1994/23).

12. In accordance with rule 8 of its rules of procedure, the Committee at its 1st meeting on 2 May 1994 considered the draft programme of work for its tenth session and approved it, as amended during consideration (see E/C.12/1994/L.1/Rev.1).

Eleventh session

13. The Committee considered its organization of work at its 29th meeting on 21 November, 31st meeting on 22 November, 37th and 38th meetings on 25 November, 41st meeting on 29 November, 43rd and 44th meetings on 30 November, 45th and 46th meetings on 1 December, 47th meeting on 2 December, 50th and 51st meetings on 6 December, 52nd and 53rd meetings on 7 December, 55th meeting on 8 December and 56th meeting on 9 December 1994. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the eleventh session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1994/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth sessions (E/1994/23).

14. In accordance with rule 8 of its rules of procedure, the Committee at its 29th meeting on 21 November 1994 considered the draft programme of work for its eleventh session and approved it, as amended during consideration (see E/C.12/1994/L.2/Rev.1).

G. Next session

15. In accordance with established schedule, the twelfth session would take place from 1 to 19 May 1995.

H. States parties' reports scheduled for consideration by the Committee at its twelfth session

16. The Committee at its 51st meeting on 6 December 1994, decided that the following States parties' reports would be considered at its twelfth session:

Initial reports concerning articles 1 to 15 of the Covenant

Republic of Korea	E/1990/5/Add.19
Suriname	E/1990/5/Add.20

Initial reports concerning articles 10 to 12 of the Covenant

Philippines	E/1986/3/Add.17

Second periodic reports concerning articles 13 to 15 of the Covenant

Portugal	E/1990/6/Add.6

Third periodic reports concerning articles 1 to 15 of the Covenant

Sweden	E/1994/104/Add.1

17. The Committee would also review the implementation of article 11.1 (right to housing) of the Covenant by Panama.

I. Composition of the pre-sessional working group

Twelfth session

18. Mr. J. Alvarez Vita, Mrs. V. Ahodikpe, Mrs. Jiménez Butragueño, Mr. V. Kouznetsov and Ms. C. Taya.

Thirteenth session

19. Mr. J. Alvarez Vita, Mrs. V. Ahodikpe, Mr. D. Ceausu, Mrs. V. Bonoan-Dandan and Mr. B. Simma.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

20. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 11 sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of: the introduction of the reporting system which requires that a single global report be submitted every five years, the evolution of the procedures developing within the treaty regime as a whole and the feedback which the Committee receives from States parties and the Economic and Social Council.

A. General guidelines for reporting

21. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose the Committee has substantially revised its reporting guidelines with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. It notes that, over the course of time, the guidelines adopted at its fifth session (E/1991/23, annex IV) may be revised to take account of its experience therewith.

B. Examination of State parties' reports

1. Work of the pre-sessional working group

22. Since the third session, a pre-sessional working group has met, usually for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution.

23. The principal purpose of the working group is to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. The aim is to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of many of the principal issues which will arise in the examination of the reports (E/1988/14, para. 361).

24. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitutes a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal

questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

25. In terms of its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the preferred areas of expertise of the member concerned. Each draft is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

26. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose the Committee has invited all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the relevant files.

27. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time, in accordance with the appropriate Economic and Social Council procedures. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; and (d) not be abusive. The relevant meeting is open and provided with interpretation services, but is not covered by summary records.

28. As from its eleventh session, the Committee requests the secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report, be made available as soon as possible to the representative of the State concerned.

29. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's

session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered, to enable the replies to be translated and made available to all members of the Committee."

30. In addition to the task of formulating the lists of questions, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have in the past included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

31. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's ninth session. The representative of the State party was invited to introduce the report by making brief introductory comments and introducing any written replies, or otherwise responding orally, to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period, members of the Committee were invited to put questions and observations to the representative of the State party. A further period of time, preferably not on the same day, was then allocated to enable the representative to respond, as precisely as possible, to the questions asked. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

32. The final phase of the Committee's examination of the report consists of the drafting and adoption of the Committee's concluding observations. The Committee has agreed that, as from its tenth session, this task will be approached in the following way. Within a day or so of the completion of the dialogue with the State party's representatives, the Committee will set aside a 30-minute period, in closed session, to enable its members to express their preliminary views. The member with primary responsibility in relation to the State party concerned will then prepare, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

33. The concluding observations are formally adopted in public session on the final day of the session. As soon as this occurs they are considered to have been made public and are available to all interested parties. They are then

forwarded to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information that it provides to the Committee.

34. When considering reports based on the previous reporting cycle and dealing with only three articles of the Covenant, the Committee has endeavoured to make the most of the very limited time available in which to undertake a constructive and mutually rewarding dialogue with the representatives of the States parties. This has generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) can generally be devoted to each report.

35. Since the new reporting periodicity was endorsed by the Economic and Social Council in 1988, the Committee decided at its ninth session that the interim arrangements it had made to facilitate the transition by States parties to the new periodicity would no longer apply as from 1 January 1995. From that date on, all reports submitted to the Committee should be comprehensive reports covering all the provisions of the Covenant in accordance with the reporting guidelines.

36. In general, the Committee devotes three meetings (of three hours each) to its consideration of each global report (dealing with arts. 1-15). While the use of the time available varies from one case to another, a reasonably typical allocation is as follows: between one and two hours for the State party representatives to introduce the report and explain the answers provided in advance in writing to the Committee's list of written questions; up to three hours for the members of the Committee to make comments and pose additional questions; up to three hours (at a meeting held the following day) for the representatives of the State party to respond to the additional questions and for further clarification of issues raised; one hour towards the end of the session for the Committee to discuss, in private, its concluding observations.

3. Deferrals of the presentation of reports

37. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's policy as from its eighth session is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

38. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report, which would normally be due in five years' time;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome.

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time-limit (perhaps two to three months). In such a case the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

39. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may, as has already been done in connection with two States parties, request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would only be taken once the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Centre for Human Rights could be of assistance in connection with the specific issue at hand.

40. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

41. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

42. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose initial or periodic reports were very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

43. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of the economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session but not longer.

E. Day of general discussion

44. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to

take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); and human rights education (eleventh session).

F. Other consultations

45. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can upon available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

46. The Committee has also sought to draw upon the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

47. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review, to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

48. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

49. By the end of its eleventh session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 152 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant and 16 global reports. This experience covered a significant number of States parties to the Covenant, which consisted of 126 States at the end of the ninth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

50. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of those reports available for the benefit of all States parties in order: to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full

realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions which it had drawn therefrom, revise and update its general comments.

51. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations; General Comment No. 4 (1991) on the right to adequate housing; and General Comment No. 5 (1994) on the rights of persons with disabilities.

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

52. In accordance with rule 58 of its rules of procedure, the Committee at its 50th meeting on 6 December 1994, considered the status of submission of reports under articles 16 and 17 of the Covenant.

53. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 August 1994 (E/C.12/1994/11).

54. The Secretary-General informed the Committee that in addition to the reports scheduled for consideration by the Committee at its eleventh session (see para. 60 below), he had received, as at 1 December 1994, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Second periodic report on articles 1 to 15 of Portugal (E/1990/6/Add.6); initial report on articles 10 to 12 of the Philippines (E/1986/3/Add.17); third periodic reports on articles 1 to 15 of Sweden (E/1994/104/Add.1), Colombia (E/1994/104/Add.2), Norway (E/1994/104/Add.3), Ukraine (E/1994/104/Add.4), Spain (E/1994/104/Add.5); initial reports of Mauritius (E/1990/5/Add.21), Algeria (E/1990/5/Add.22) and Paraguay (E/1990/5/Add.23).

55. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee made a number of recommendations to the Economic and Social Council which are included in chapters I and VII of the present report.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Tenth session

56. At its tenth session, the Committee examined six reports submitted by six States parties under articles 16 and 17 of the Covenant and reviewed the implementation of the provisions of the Covenant in Mauritius and the Gambia in accordance with the decision taken at its ninth session. 2/ It devoted 20 meetings to the consideration of these reports (E/C.12/1994/SR.3 to 12, 14 to 17, 22 to 26 and 28).

57. The reports before the Committee at its tenth session were the following:

Second periodic reports concerning articles 13 to 15 of the Covenant

Romania	E/1990/7/Add.14
Iraq	E/1990/7/Add.15

Initial reports concerning articles 1 to 15 of the Covenant

Uruguay	E/1990/5/Add.7
Morocco	E/1990/5/Add.13
Belgium	E/1990/5/Add.15
Kenya	E/1990/5/Add.17

58. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The review of the implementation of the provisions of the Covenant in Mauritius and the Gambia was carried out in the absence of the representatives from those States parties.

Eleventh session

59. At its eleventh session, the Committee examined seven reports submitted by four States parties under articles 16 and 17 of the Covenant. It devoted 16 of the 28 meetings it held during the eleventh session to the consideration of these reports (E/C.12/1994/SR.31 to 37, 39 to 41 and 50 to 55).

60. The following reports were before the Committee at its eleventh session:

Second periodic reports concerning articles 10 to 12 of the Covenant

United Kingdom of Great Britain and Northern Ireland: Dependent Territories	E/1986/4/Add.27 E/1986/4/Add.28

2/ E/1994/23, para. 19.

Second periodic reports concerning articles 13 to 15 of the Covenant

United Kingdom of Great Britain and Northern Ireland	E/1990/7/Add.16

Initial reports concerning articles 1 to 15 of the Covenant

Argentina (arts. 6-12)	E/1990/5/Add.18
Suriname	E/1990/5/Add.20

Second periodic reports concerning articles 6 to 9 and 13 to 15 of the Covenant

Austria	E/1990/6/Add.5

Additional information submitted by States parties to the Covenant following the consideration of their reports by the Committee

United Kingdom of Great Britain and Northern Ireland	E/1989/5/Add.9

61. At its 29th meeting on 21 November 1994, the Committee agreed, at the request of the Government of the Republic of Korea, to postpone to its twelfth session the consideration of the initial report of that State party (E/1990/5/Add.19) concerning articles 1 to 15 of the Covenant.

62. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties, with the exception of Suriname, whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex VII to the present report.

63. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its tenth and eleventh sessions.

Tenth session

URUGUAY

64. The Committee considered the initial report of Uruguay (E/1990/5/Add.7) at its 3rd, 4th, 6th and 13th meetings on 3, 4 and 10 May and, at its 25th meeting on 19 May 1994, adopted the following concluding observations.

A. Introduction

65. The Committee expresses its appreciation to the State party for submitting a report in September 1991 and a core document in 1992. However, it regrets the delay between the submission of the report and its consideration by the Committee, owing to the State party's request to defer that consideration for two sessions. The Committee also regrets that certain matters were not fully clarified during the initial dialogue with the State party. The Committee therefore requests the State party to provide it with written replies on the problems identified and to transmit that information to the Centre for Human Rights by 30 September 1994.

B. Positive aspects

66. The Committee notes with satisfaction that a number of rights guaranteed by the Covenant have been incorporated in Uruguay's legislation, and in particular its Constitution. It also takes note of the concrete measures taken to comply with the obligations laid down in the Covenant. In that connection, it welcomes the progress made by the State party in ensuring free primary education for all and in making secondary and higher education free of charge and more accessible to all. In addition, the Committee notes with satisfaction that the State party has adopted social security measures aimed at offsetting the adverse consequences for the enjoyment of economic, social and cultural rights of the economic recession and the structural adjustments entailed by Uruguay's accession to the MERCOSUR economic agreement.

67. The Committee also regards the steps taken by the State party to provide further training to unemployed persons as a positive development.

C. Factors and difficulties impeding the implementation of the Covenant

68. The Committee notes the economic difficulties encountered by the State party, particularly the high rate of inflation, which impede the full implementation of economic, social and cultural rights.

D. Principal subjects of concern

69. The Committee is concerned about the apparent lack of measures to enable workers' and employers' organizations to participate in the discussions on the determination of minimum wages for public-sector employees and agricultural workers for the period 1990-1994.

70. The Committee would welcome clarification of the restrictions on the right to strike introduced by Act No. 13,720 of December 1968, as amended by Decree-Law No. 14,781 of 8 June 1978, and would appreciate receiving further details of the application of those provisions between the return to democracy and 1994. It would also wish to be informed of any bill regulating the exercise of the right to strike, since paragraph 104 of the State party's report indicated that such a bill would be submitted shortly.

71. The Committee would appreciate additional information on the measures taken to raise the minimum working age and to prevent or combat the

exploitation of child labour. To that end, it would welcome information on the actual situation regarding the distribution of free school meals and the concrete measures taken to reduce truancy.

72. With regard to the implementation of article 11 of the Covenant, and more particularly the right to housing, the Committee is concerned about the shortage of housing in relation to demand and the high level of rents, particularly affecting the most vulnerable groups of society. It would appreciate having additional information on these two points.

73. The Committee is concerned about the standard of living of persons in rural areas, particularly those close to borders with neighbouring countries, and would welcome further information on their full access to economic, social and cultural rights.

74. The Committee is concerned about the impact of inflation on the enjoyment of an adequate standard of living. It would appreciate receiving specific information on the evaluation of average wage rates in relation to the cost of living since 1990.

75. The Committee considers that it has not been given enough information on access to health, drinking water, care and education by minority groups living in Uruguay, as well as access by such groups to various types of employment, inter alia in the public service.

76. The Committee is greatly concerned about the serious deterioration of teachers' salaries in terms of purchasing power, by the conflictual nature of relations between teachers and the State and by the apparent ineffectiveness of the measures taken to remedy that situation.

E. Suggestions and recommendations

77. In the light of the information submitted by the delegation and of other available sources, the Committee considers that Uruguay is making appreciable efforts to observe the economic, social and cultural rights provided for in the Covenant. However, the report submitted by the State party is not sufficiently precise or complete to give a comprehensive account of those efforts. Consequently, the Committee would wish to receive supplementary replies to the questions raised in part D above.

78. In addition, the Committee asks the State party to consider the possibility of ratifying the Protocol of San Salvador additional to the American Convention on Human Rights.

79. The Committee urges the State party to take measures to eliminate all forms of discrimination. In this connection it draws the Government's attention to its General Comment No. 3 (1990) dealing with the nature and scope of States parties' obligations under the Covenant.

80. With respect to the implementation of article 7 of the Covenant, and in the light of the comments made by the ILO on compliance with the requirements of the Minimum Wage Fixing Convention, No. 131, the Committee calls upon the

State party to take steps with a view to establishing the national minimum wage for agricultural workers and public-sector employees in consultation with employers' and workers' representatives.

81. The Committee recommends that the State party should adopt urgent measures to increase the purchasing power of teachers' salaries and take that recommendation into account in the next budget of the national five-year plan.

82. The Committee urges the State party to take steps to improve health care for people living in areas distant from the capital, in particular by extending its primary health-care programme.

ROMANIA

83. The Committee considered the second periodic report of Romania on articles 13-15 of the Covenant (E/1990/7/Add.14) at its 5th, 7th and 13th meetings on 4, 5 and 10 May and, at its 25th and 26th meetings on 19 May 1994, adopted the following concluding observations.

A. Introduction

84. The Committee thanks the Government of Romania for its report, which was prepared in accordance with its revised general guidelines, and for submission of the core document forming part of the reports of States parties (HRI/CORE/1/Add.13). At the same time, the Committee notes that the written information, provided by the Government in reply to the questions set out in the list of issues (E/C.12/1994/WP.2) communicated to it in December 1993, was not provided to the Committee sufficiently in advance to make possible its translation into all the working languages of the Committee, thus making more difficult access for the Committee's members to the wealth of additional information contained therein. The supplementary information provided by the representatives of the State party and the strong efforts made by the delegation to respond to the questions raised by the Committee's members made possible an open, frank and constructive dialogue between the State party and the Committee.

B. Positive aspects

85. The Committee notes with appreciation that the content of the written report and of its oral presentation differ considerably, for the better, from the consideration of Romania's report on articles 10 to 12 in 1988. The new approach of the Government of Romania to international cooperation in the field of human rights, as manifested during the present session, opens new avenues for effective cooperation between the Committee and the State party within the framework of the International Covenant on Economic, Social and Cultural Rights.

86. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social and cultural problems being encountered by the country in its transition to a market economy and to a pluralist democratic political system based on the rule of law and respect for human rights.

87. The Committee appreciates the willingness and the readiness of the Government to cooperate with various regional and global intergovernmental and non-governmental institutions in the field of human rights. In this context, it takes particular note of the cooperation between the Government of Romania and the United Nations Centre for Human Rights under the Country Programme for the period 1992-1994.

88. The Committee notes that all forms of public education are free in Romania and the particular attention paid by the Government, in a difficult economic context, to the provision of adequate educational facilities for the most disadvantaged groups of children, including the setting up of special schools for children with disabilities.

89. The Committee takes note of the recognition of the principle of university autonomy, provided for and guaranteed in accordance with article 32, paragraph 6 of the Constitution.

C. Factors and difficulties impeding the implementation of the Covenant

90. The Committee notes that the structural adjustment programme, now being implemented in Romania, may have adverse consequences for the implementation of economic, social and cultural rights in general and of the rights enshrined in articles 13 and 15 of the Covenant, in particular.

91. It notes that great practical difficulties exist in the teaching field, especially in terms of a shortage of qualified staff and a lack of adequate premises. Classes are usually overcrowded in spite of a shift system used (with as many as three shifts a day in the same school). Educational materials and necessary technical facilities are also in short supply. In addition, the Committee notes difficulties flowing from the need to develop comprehensive new curricula.

D. Principal subjects of concern

92. The Committee notes with concern that the whole system of education in Romania is functioning on the basis of governmental decrees and that since the Revolution of 1989 no specific laws have been adopted in this respect.

93. The Committee is concerned about the absence of a law on minorities in a country such as Romania, given the existence of large gypsy, Hungarian, German and other minority groups.

94. The Committee is particularly concerned about the realization of the right to education and of the right to take part in cultural life by one of the largest minorities in Romania, namely the gypsy minority. That group, according to the information at the Committee's disposal, continues to suffer many forms of unofficial discrimination which the Government is often unable to prevent or is unwilling to redress. Gypsies continue to face discrimination in workplaces and schools and greater efforts should be made to accommodate the specific cultural and other needs of those groups in relation to these matters. The Committee is concerned that, since the Revolution

of 1989, no appreciable improvement has occurred in their situation, and that direct and indirect discrimination appears to continue, especially at the local level.

95. The Committee is also concerned about the silence in the report with respect to the difficulties encountered by the State party in implementing rights contained in articles 13 to 15 and about the lack of information on the enjoyment of the right to education and the right to take part in cultural life by the gypsy minority.

96. The Committee wishes to draw the State party's attention to the absence of any reference in the core document to economic, social and cultural rights and to any efforts made for their implementation.

E. Suggestions and recommendations

97. The Committee recommends that the State party should take vigorous steps to ensure that the right to education and to take part in cultural life is guaranteed to the members of the gypsy minority in full accordance with the provisions of articles 2 (2), 13 and 15 of the Covenant. The Government should: adopt an active non-discrimination policy with respect to this minority; encourage their participation in cultural life; and assure proper participation in educational activities by children belonging to that group.

98. The Committee also recommends that particular attention should be paid by the Government to the problem of street and abandoned children, and that further efforts should be made to facilitate their access to all forms of primary and secondary education.

99. The Committee recommends that the Romanian Human Rights Institute, established at the beginning of 1991 in order to foster a better awareness on the part of Romanian public bodies, non-governmental organizations and private citizens of human rights problems, should, in the future, devote greater attention to economic, social and cultural rights.

100. The Committee, having noted that a joint human rights programme has been implemented in Romania by the United Nations Centre for Human Rights since 1992, encourages the Government of Romania to continue its cooperation with the United Nations and recommends that this programme should be continued in the future. The Committee also recommends that an economic, social and cultural rights component, which is now practically non-existent, should be adequately reflected in that programme.

MOROCCO

101. The Committee considered the initial report of Morocco (E/1990/5/Add.13) at its 8th, 9th and 10th meetings on 5 and 6 May and, at its 26th and 27th meetings on 19 and 20 May 1994, adopted the following concluding observations.

A. Introduction

102. The Committee thanks the State party for the submission of its report and for the additional information provided by the delegation in response to the Committee's questions and comments.

B. Positive aspects

103. The Committee takes note with satisfaction of the information provided by the representative of the State party with regard to the adoption of a revised Constitution in September 1992 and the various measures introduced in this new Constitution, including in particular the establishment of a Constitutional Council and an Economic and Social Council.

104. The Committee appreciates the measures taken to reduce the effects of structural adjustment programmes on the most vulnerable sectors of society and measures taken by the State party to reduce the level of poverty in the country. Efforts to improve the enjoyment of the right to adequate housing are also appreciated.

105. The Committee welcomes the efforts made by the State party in the field of health services resulting in the reduction of infant and maternal mortality rates, as well as the adoption of a National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children.

106. The Committee takes note of the increase in the level of school attendance, the efforts to reduce illiteracy and the measures to ensure vocational training for school drop-outs.

C. Factors and difficulties impeding the implementation of the Covenant

107. The Committee notes that the development process towards modernization has not equally affected all sectors and areas of society and has aggravated economic, social and cultural disparities between traditional and modern sectors, among the various income groups, between rural and urban areas, as well as between the male and female populations.

108. It observes that economic difficulties, including the persistence of poverty, high unemployment and the servicing of the external debt have had a constraining influence on the application of the Covenant.

109. Other difficulties noted by the Committee relate to the contradiction between the obligations set forth under the Covenant and various provisions relating to the civil law status governed by the Code of Personal Status which is partly based on religious precepts and falls within the King's competence. The Committee considers that when a State has ratified the Covenant without making any reservations, it is obliged to comply with all of the provisions of the Covenant. It may therefore not invoke any reasons or circumstances to justify the non-application of one or more articles of the Covenant, except in accordance with the provisions of the Covenant and the principles of general international law.

D. Principal subjects of concern

110. As regards Western Sahara, the Committee is concerned that the right to self-determination has not been exercised and expresses its hope that it will be exercised in full compliance with the provisions of article 1 of the Covenant, in accordance with plans approved by the United Nations Security Council. The Committee expresses its preoccupation about the negative consequences of the Western Sahara policy of Morocco on the enjoyment of the economic, social and cultural rights of the relevant population, particularly through population transfer.

111. In view of the obligations arising out of article 2 to guarantee the exercise of the rights enunciated in the Covenant without discrimination of any kind, the Committee expresses concern about the persistence, in the State party, of a "dual" society characterized by disparities in the level of modernization and enjoyment of economic, social and cultural rights which especially affect persons living in rural areas. These disparities are particularly evident in the marked differences in the levels of school attendance. According to the report submitted by the State party, the rate of primary school attendance in the urban areas is double that of the rural regions.

112. In the same respect, the Committee is concerned about the extent to which women enjoy the rights contained in the Covenant, in particular as regards matters arising under articles 6, 7, such as equal remuneration for equal work and employment opportunities, article 10, particularly relating to status of women in the family, and article 13, particularly in relation to the right to education. While recognizing that some progress has been achieved in this regard, the Committee notes with particular concern the gender differences regulating marriage and family relations.

113. The Committee takes note of the information provided by the States parties to the effect that a Labour Code is under preparation. It notes, however, that according to information provided by the ILO, this process has been under way since 1969. The Committee considers that this project should be brought to function in the shortest possible time in order to ensure full protection of the rights recognized in the Covenant.

114. The Committee is also concerned that labour laws and regulations are largely ignored or disregarded in the informal and traditional sectors of the economy and that the absence or limited presence of labour inspectors in these sectors has impeded the effective implementation of regulations relating to just and favourable conditions of work, including health and safety of the workplace.

115. The Committee is concerned about the full enjoyment of trade union rights as provided for under article 8 of the Covenant. In this regard, the Committee notes with concern that, although the Constitution guarantees the right of association and the right to form and join trade unions, as well as the right to strike, these rights have on several occasions reportedly been violated in practice. The Committee has received from various sources information on concrete cases of limitations to the right to strike, and lack of effective protection of workers against anti-union discrimination including arbitrary dismissal, arrest or physical violence. In this regard the replies

given by the Government to certain questions posed by the Committee cannot be considered satisfactory. No information was provided about the incidents at the Meknès enterprises Dimaplast and Comanan. The Committee is particularly concerned, however, about the lack of any response regarding the case of the two trade union activists Abdelhaq Rouissi and Houcine El Manouzi, who, according to non-governmental sources disappeared in 1964 and 1972 respectively and are reportedly still alive but detained in a secret prison.

116. The Committee is concerned about the discriminatory status of children born out of wedlock. It also expresses concern at the incidence of child labour, often even under the minimum legal age of 12, and the lack of implementation of protective labour legislation with regard to children employed as domestic servants, in agriculture or in the informal or traditional sectors. The Committee also notes with concern that many of those children are not fully enjoying their right to education.

117. The Committee is also concerned that economic constraints have led to a decline in the standard of living of certain segments of the population.

E. Suggestions and recommendations

118. The Committee recommends further measures by the State party to reduce existing disparities between the modern and traditional sectors of society and in particular between the rural and urban areas. In the Committee's view, particular efforts should be made to tackle the problem of discrimination against women and ensure their effective enjoyment of their rights under the Covenant. Such efforts should include both legislative measures and educational activities aimed at overcoming the negative influence of certain traditions and customs.

119. The Committee wishes to bring to the attention of the State party the need to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes. Such measures should include a system of taxation favouring direct and progressive taxes and the extension of the social security system to those categories which do not yet benefit from it.

120. The Committee recommends that the State party should envisage adopting further measures to reduce the high rate of unemployment among young people.

121. The Committee recommends that the State party should consider adopting relevant measures to ensure that effective sanctions are adopted and implemented in order to penalize the infringement of labour and trade union freedoms and regulations. The Committee suggests that the State party should give serious consideration to complaints about violations of labour regulations and trade union rights and provide judicial remedy to victims of such violations.

122. The Committee recommends that urgent steps should be taken in order to protect the workers' rights to join the trade unions of their choice, and to provide protection against arrest, imprisonment and arbitrary dismissal of their labour leaders. In the context of trade union freedoms, the Committee requests the Government to respond to the concrete issues raised in

paragraph 115 above, in particular to provide information about the fate of the trade union activists Abdelhaq Rouissi and Houcine El Manouzi, by 30 September 1994.

123. The Committee recommends that measures should be taken to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock, as well as any differentiation resulting from the status of parents. Similarly, the Committee encourages the efforts currently under way to raise the minimum working age and suggests that measures should be taken to ensure that working children, including those in the informal sector and in agriculture, benefit from relevant protection at work and effectively enjoy their right to an education.

124. The Committee recommends that more effort should be made in the area of education, particularly in the less favoured rural areas, and that an effort should also be made in the direction of reducing the apparent disparities between the rates of school attendance of boys and girls.

IRAQ

125. The Committee considered the second periodic report of Iraq on articles 13-15 of the Covenant (E/1990/7/Add.15) at its 11th and 14th meetings on 9 and 10 May and, at its 26th and 27th meetings on 19 and 20 May 1994, adopted the following concluding observations.

A. Introduction

126. The Committee takes note that despite the serious situation in the country the Government has been able to present its report and send a delegation to engage in a dialogue with the Committee. At the same time the Committee regrets that the information provided in the report was insufficient and that the representatives of the State party were unable to provide answers to a number of concerns raised. The Committee takes note of the delegation's willingness to provide it with written information on those issues.

127. The Committee also recognizes that the situation in Iraq is being closely followed by various United Nations bodies, including the Commission on Human Rights, the General Assembly and the Security Council and the Committee takes note of the reports emanating from and resolutions adopted by such bodies. In this regard, it notes that although the Law for the Autonomous Region (in the North) exists, its implementation has been suspended since 1974. Similarly, the Committee takes due note of the request contained in, *inter alia*, Commission on Human Rights resolution 1993/74 that a human rights monitoring team should be accepted by the State party and suggests that the mandate of such a team include monitoring the implementation of the rights provided for under the present Covenant, including its articles 13 to 15.

B. Positive aspects

128. The Committee takes note of the State party's policy to provide education at all levels free of charge and to enhance the provision of education in remote areas, through the awarding of additional allowances to teachers serving in those areas.

C. Factors and difficulties impeding the implementation of the Covenant

129. The Committee is aware that problems caused by long periods of war and their aftermath have hampered the implementation of the Covenant in the State party.

D. Principal subjects of concern

130. The Committee is deeply concerned that the measures being taken by the State party are not sufficient to avoid continued suffering and even greater deprivation of the economic, social and cultural rights of the Iraqi people. The Committee is of the opinion that whatever the difficulties caused by the economic embargo, the State party should none the less do everything possible to promote the realization of the Covenant to the maximum of its available resources.

131. In addition, the Committee considers that sufficient attention has not been given to the implementation of article 2 of the Covenant, as it relates to non-discrimination, in respect of the policies and measures adopted to promote and protect the economic, social and cultural rights provided for under articles 13 to 15 of the Covenant of all persons within the jurisdiction of the State, including, in particular, women and persons belonging to various cultural groups.

132. The Committee notes the lack of information on the implementation of the provisions of article 13, paragraph 1, specifically in respect to human rights education.

133. In connection with the implementation of article 13 of the Covenant, the Committee wishes to emphasize the fundamental importance of according equal priority to the education of women, including with regard to the eradication of illiteracy.

134. The Committee expresses its dissatisfaction at the lack of available statistical and other data which would assist in determining the extent of equality of educational opportunity existing within the country for various sectors of the Iraqi population.

135. The Committee is seriously concerned about reports it has received of infringements of academic freedom within the State party.

136. The Committee is alarmed by information brought to its attention about the destruction of the cultural heritage of religious communities and minorities.

137. Equally, the Committee is concerned that clarification remains to be given by the State party as to the compatibility of the steps taken by the Government in its exercise of control over the choice and broadcasting of minority language radio programmes with the implementation of the provisions of the Covenant, including its article 15, paragraph 2.

138. Moreover, the Committee is concerned about the reports brought to its attention of the adverse impact of recent drainage programmes in areas inhabited by "Marsh Arabs" on the community's ability to conserve its culture and traditional lifestyle and to exercise its right to education.

E. Suggestions and recommendations

139. The Committee is of the view that further measures are required to ensure the effective monitoring and implementation of the rights provided for under articles 13 to 15 of the Covenant. In this regard attention is drawn to the contents of General Comment No. 3 (1990) of the Committee and to the obligation of States parties to take the necessary steps to the maximum extent of resources for the implementation of the rights provided for under the Covenant.

140. The Committee requests the State party to provide full information in its next report on the measures taken to implement article 13, paragraph 1 of the Covenant, in particular in relation to human rights education.

141. The Committee also recommends that the State party should adopt the necessary measures to accord greater priority to the education of women, including the eradication of female illiteracy.

142. The Committee would appreciate receiving statistical data and other information relating to the admission and graduation of students, particularly of those belonging to religious and ethnic minorities and communities, in different higher educational establishments over the past three years.

143. The Committee would also appreciate receiving written information regarding the situation of the "Marsh Arabs", the closure of a Shiah college of jurisprudence and other concerns raised during the dialogue with the State party which remained unanswered. In this regard, the State party should refer to the present concluding observations and the summary records of the dialogue with the Committee. 3/ Finally, the Committee requests that this information should be submitted to it by 30 September 1994.

BELGIUM

144. The Committee considered the initial report of Belgium on articles 1 to 15 of the Covenant (E/1990/5/Add.15) at its 15th, 16th and 17th meetings on 11 and 13 May and, at its 27th meeting on 20 May 1994, adopted the following concluding observations.

A. Introduction

145. The Committee thanks the State party for the comprehensive report submitted and for the detailed additional information, including extensive statistical data, provided both orally and in writing by the delegation in response to the Committee's questions and comments. The Committee regrets, however, that the report was submitted nearly 10 years late. In this regard, it takes note of the explanations provided by the Belgian Government according

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3/ E/1994/SR.11 and 14.

to which the delay was due to a number of concomitant factors connected, among other things, with the continuous process of reform of the State, which is reflected in changes in the responsibilities of its internal administrative authorities, with the density and complexity of the social welfare system created in Belgium, and with budgetary restraints which have a negative impact on the level of staffing of the country's public services. Nevertheless, the Committee wishes to emphasize that those explanations should not be considered by the Belgian Government as a justification. States parties must comply with the reporting obligations they have freely assumed under the Covenant. The Committee hopes that the frank and excellent dialogue which has just begun between the Committee and the State party will continue in the future on a regular basis.

B. Factors and difficulties impeding the implementation of the Covenant

146. The Committee is concerned about the fact that Belgian authorities, referring to article 2, paragraph 1 of the Covenant, relating to progressive measures to be taken by States parties to implement the Covenant, are of the view that the provisions of the Covenant do not have direct effect and cannot be directly invoked by complainants before Belgian courts and tribunals. On the other hand, the Committee notes that the International Covenant on Civil and Political Rights and other conventions, such as the European Social Charter, to which Belgium is a party, are directly applicable under Belgian law. The different status of the International Covenant on Economic, Social and Cultural Rights in domestic law appears to be confirmed by a decision of the Court of Cassation of 1990. The Committee does not share the view of the Belgian authorities and recalls that in its General Comment No. 3 (1990) on the nature of States parties obligations under article 2 of the Covenant, it refers to a number of provisions in the Covenant, such as those of article 8 on the right to strike and those of article 13 on the right to education, which seem to be capable of immediate application by judicial and other organs in many national legal systems. The Committee is of the view that any suggestions that the provisions indicated are inherently non-self-executing seem to be difficult to sustain.

C. Positive aspects

147. The Committee commends Belgium on the measures it has taken to give effect to the provisions of the Covenant and especially on the inclusion of economic, social and cultural rights in the new text of the Belgian Constitution of February 1994.

148. The Committee also commends the State party on its comprehensive health insurance system which could be considered a model for other countries. It notes with particular satisfaction that, since 1990, maternity insurance has constituted a specific branch of social security in Belgium and that maternity allowance no longer constitutes an obstacle to the hiring of women workers.

149. The Committee also notes with satisfaction the measures taken in Belgium to guarantee income for elderly persons and, in particular, to grant an allowance to elderly persons who have very limited means or a minimum pension.

150. In addition, the Committee welcomes the information that the legal provisions establishing criteria in the calculation of pensions, which appear to be discriminatory between men and women, are in the process of being reviewed in order to ensure equal treatment and to add an invalidity scheme.

151. The Committee also notes that with regard to strikes by public servants, in recent years disciplinary punishments had not been applicable and that the Council of State in its ruling on the application of article 44 of the Royal Decree of 1991 stated that it implicitly guaranteed public servants' right to strike.

D. Principal subjects of concern

152. The Committee is concerned about the lack of legislative measures still existing in Belgium with regard to the establishment of clear and objective criteria to regulate the access of employers' and workers' organizations to the National Labour Council and to various commissions of the public and private sectors where collective conventions are elaborated. It recalls, in this connection, that the enactment of such legislative measures has been repeatedly recommended by the ILO Committee of Experts on Conventions and Recommendations.

153. In addition, the Committee notes with concern that the most vulnerable groups of society in Belgium are not always adequately protected. In this regard, it is particularly concerned about the reductions made in 1993 with regard to subsidies and certain social benefits, such as some categories of reimbursable medicines. The Committee regrets that this negative trend is developing in Belgium as well as in other European countries.

154. Moreover the Committee, while noting with satisfaction that the right to housing has been inscribed in the recently revised Constitution of Belgium, expresses concern about the adequacy of the measures taken actually to enforce that constitutional provision. In that respect the attention of the Government is drawn to section E below.

E. Suggestions and recommendations

155. The Committee recommends that the right to strike should be explicitly inscribed in Belgian law.

156. The Committee recommends that the legislative measures, which are under elaboration, to regulate the access of employers' and workers' organizations to the National Labour Council and other organs should be speedily enacted.

157. The Committee recommends that the Belgian authorities should take appropriate measures to promote investment programmes and encourage, in particular, the construction of low-cost rental housing. In this connection, the Committee refers to its General Comment No. 4 (1991) concerning the right to adequate housing and points out that in situations indicating a clear deterioration in the enjoyment of that right, urgent measures should be taken by the authorities concerned. The Committee, in view of the problems in the housing sector, which are still considerable, urges the Government to establish an official, nationwide commission on housing, comprising representatives of Government, non-governmental organizations and other

relevant groups. In view of the non-discrimination clauses contained in article 2 (2) of the Covenant, the Committee strongly urges the Government fully to ensure that persons belonging to ethnic minorities, refugees and asylum seekers are fully protected from any acts or laws which in any way result in discriminatory treatment within the housing sector. In view of information received by the Committee that not all social housing units are occupied by lower income groups, the Committee urges the Government to undertake all necessary measures to ensure that lower-income groups have access to social housing which is affordable. The Committee urges the Government more intensively to apply existing laws allowing the Government to requisition properties and housing left unoccupied by owners.

158. Finally, the Committee requests the Government of Belgium to submit its second periodic report by 31 May 1997.

KENYA

159. The Committee considered the initial report of Kenya (E/1990/5/Add.17) at its 12th meeting on 9 May and, at its 28th meeting on 20 May 1994, adopted the following decision.

160. The Committee appreciates the willingness of the Government of Kenya to present a report to the Committee and to engage in a dialogue with it. Having considered the information contained in the initial report and the oral replies to questions raised, the Committee decides to request the State party to prepare a new comprehensive report which follows the Committee's guidelines on reporting.

161. The Committee further recommends that the new report should take into account the points raised during its dialogue with the State party at the tenth session.

162. The report should also address the points made in the concluding observations adopted by the Committee at its eighth session on the state of implementation by Kenya of the economic, social and cultural rights provided for in the Covenant as contained in document E/C.12/1993/6.

163. The Committee considers that the preparation of the new report would permit it to engage in a more constructive and fruitful dialogue with the State party and requests that the new report be submitted by the end of 1994.

164. In the context of the preparation of the new report, the Committee also welcomes the request of the delegation to receive technical assistance from the Centre for Human Rights for this purpose. In view of the foregoing, the Committee recommends that the Centre for Human Rights should provide the necessary assistance to the State party from its technical assistance and advisory services programme.

MAURITIUS

165. The Committee considered the state of implementation by Mauritius of the economic, social and cultural rights contained in the Covenant at its 22nd and 23rd meetings on 17 and 18 May and, at its 24th meeting on 18 May 1994, adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

166. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

167. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it, to the Economic and Social Council, on the measures which they have adopted, the progress made, and the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases, and must do so on the basis of all reliable information available to it.

168. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends by its very nature to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will provide an opportunity for the Government concerned to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policies with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Introduction

169. Mauritius has been a party to the Covenant since 3 January 1976, the date of its entry into force. Since then, it has not submitted a single report. The Committee strongly urges the Government of Mauritius to fulfil its reporting obligations as soon as possible, so that the Covenant can be given full effect for the benefit of the people of Mauritius. The Committee considers that non-fulfilment of a State party's reporting obligations constitutes a grave impediment to effective and adequate implementation of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

170. The Committee takes note of the fact that, although Mauritius has in recent years succeeded in diversifying its economy and reducing its dependence on sugar production, sugar-cane still accounts for more than two thirds of the contribution of the agricultural sector to GDP and for about one third of

export earnings. This circumstance makes the economy of Mauritius vulnerable to fluctuations in sugar export. About 75 per cent of the country's food requirements have to be imported. The Committee also notes that the rapid economic growth of the mid-1980s has slowed down as a result of labour shortages. The Committee is not aware of any further difficulties which might impede the application of the Covenant by Mauritius.

D. Positive aspects

171. The Committee notes that the overall economic performance of Mauritius in recent decades has been impressive. Its human development index has increased from 0.525 in 1970 to 0.793 in 1992. Mauritius thus stands at the top of the list of African countries in this regard. Per capita income trebled between 1982 and 1992. Unemployment is all but eradicated. This success has come about through heavy investment in human development. Education has until recently been free at all levels. The combined primary and secondary enrolment rate rose from 62 per cent in 1970 to 77 per cent in 1989. The overall literacy rate is moving towards 90 per cent and has passed 95 per cent for the age group up to 30 years. A vigorous birth control campaign has brought down the rate of population growth from over 2 per cent a year in the 1960s to less than 1 per cent today. The infant mortality rate as well as other health indicators are improving constantly. Mauritius provides an example of a country where structural adjustment appears to have worked to the benefit of the entire population. Mauritius has aptly been called a "cultural laboratory" and a "rainbow nation", in which a variety of religious and cultural groups and communities live together peacefully in a spirit of mutual respect and tolerance.

E. Principal subjects of concern

172. With regard to the general provisions of the Covenant, in particular article 3, the Committee notes with concern that, despite the efforts of the Government, women still occupy a subordinate role in Mauritian society. Discrimination and violence against women continue to be social problems, also affecting the enjoyment by women of economic, social and cultural rights. Further observations on the prevalence of gender discrimination are to be found in paragraphs 180 and 181 below.

173. Article 6 of the Covenant enshrines the right of everyone to gain his living by work which he freely chooses or accepts. In the light of this provision, the Committee is concerned about certain provisions of the Merchant Shipping Act, No. 28 of 1986, according to which certain breaches of discipline by seamen are punishable by imprisonment (involving an obligation to perform labour), and foreign seamen may be forcibly conveyed on board ships to perform their duties. These provisions are a subject of concern also to the ILO Committee of Experts on the Application of Conventions and Recommendations.

174. With regard to article 7 of the Covenant, there exists no legislation requiring equal pay for equal work. In this regard, the Committee notes with concern that in the agricultural sector of the Mauritian economy, for work of the same value, women are paid lower wages on the stated assumption that their productivity is lower in such labour-intensive work. The Committee is also concerned about excessive overtime work in the Export Processing Zones. In

these zones the Labour Act does not apply fully, which leaves more than 80,000 workers unprotected. Further, concern is expressed about the ineffective enforcement of health and safety standards, as a consequence of which fatal industrial accidents have increased in recent years. With regard to around 10,000 foreign workers, mainly in the textile and construction industries, the Government appears to show little willingness to ensure that these people are treated in accordance with article 7 of the Covenant and with the pertinent international labour standards.

175. Moving to article 8 of the Covenant, the Committee expresses its concern about the restrictions of the right to form trade unions in force under the Industrial Relations Act, 1973. Further, genuine collective bargaining is not practised in Mauritius. Wages and benefits are in effect determined by the Government. The Committee is particularly concerned, however, about the fact that the right to strike, although recognized in theory, cannot be exercised in practice because the Industrial Relations Act, 1973 requires a 21-day cooling-off period and empowers the minister to refer any industrial dispute to compulsory arbitration, enforceable by penalties involving compulsory labour. This has the effect of making most strikes illegal. Participation in a strike not approved by a court is a sufficient ground for dismissal. In this regard, the Committee notes with concern that the respective recommendations submitted in May 1992 by the Special Law Review Committee set up to review, inter alia, the Industrial Relations Act (Garrioch Committee) have not yet been released by the Government. Instead, the proposed Trade Union and Labour Relations Act, which is to replace the Industrial Relations Act, appears in some respects to be even less favourable to trade unions. The Committee still shares the hope of the ILO Committee of Experts that the Government will limit compulsory labour to services whose interruption is likely to endanger the life, personal safety or health of the whole or part of the population. However, it cannot but state a certain tendency on the part of the Government of Mauritius to use labour legislation to block trade union recognition and dismiss workers. The Committee's general impression is that Mauritius is returning to its original tradition, according to which Government supports firm control by employers over their workers.

176. Regarding article 9, the Committee notes that, according to a report submitted by the Government of Mauritius to the Committee on the Elimination of Discrimination against Women in 1992, no employment insurance exists.

177. Concerning article 10, the Committee notes with regret that Mauritian child labour legislation is not strictly enforced. It further takes note of the Government's own view expressed in its report, that Mauritius does not have a comprehensive system of family benefits through which all families benefit in a universal manner, and that the system of family allowances should be reviewed because the present regulations penalize the very families that need the allowance most.

178. Regarding the right to food, the Committee is concerned about the fact that in June 1993 the Mauritian Government abolished subsidies on rice and flour without replacing them by a system that would guarantee food security for the most vulnerable groups of the population.

179. Regarding the right to housing, the Committee expresses its concern about the discontinuation of the Government's programme for providing low-cost housing in Mauritius. In this regard, the Housing Development Company Ltd., established in 1992, is in no position to replace the former Central Housing Authority, as was sadly demonstrated after the recent cyclone Hollanda. Further, concern is expressed with regard to Government harassment of hundreds of homeless people who built shacks on "State land".

180. With regard to article 12, the Committee notes the deplorable state of mental health care in Mauritius. It is also concerned about information according to which half the maternal deaths since 1982 have been due to complications following abortion, which is prohibited by law.

181. With regard to article 13, the Committee takes note of the flaws in the educational system of Mauritius pointed out in its report and of the measures foreseen to improve the situation. In particular, it notes that the Mauritian school system is extremely competitive, which leads to widespread, Government-encouraged and costly private tuition and thus renders access to secondary and tertiary education more difficult for the poorer segments of the population. The Committee is also concerned about the reintroduction of fees at the tertiary level of education, which constitutes a deliberate retrogressive step. The Committee further notes with concern that Kreol and Bhojpuri, the only languages spoken by the large majority of the population, are not used in the Mauritian educational system.

182. Regarding article 15 of the Covenant, the Committee is concerned that the use of the two main languages spoken by 92 per cent of the population, namely Kreol and Bhojpuri, is still banned in the Mauritian National Assembly and actively discouraged in all Government institutions.

183. The Committee is also concerned that the population of the island of Rodrigues enjoys the right to health and the right to education to a markedly lesser degree than the people on the island of Mauritius itself.

F. Suggestions and recommendations

184. The Committee reiterates its request that the Government of Mauritius should actively participate in a constructive dialogue with the Committee about how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Mauritius has been in breach of this obligation for many years.

185. The Committee recommends that the Government of Mauritius should avail itself of the advisory services of the United Nations Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

THE GAMBIA

186. The Committee considered the state of implementation by the Gambia of the economic, social and cultural rights contained in the Covenant at its 23rd meeting on 18 May 1994 and, at its 24th meeting on the same day, adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

187. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

188. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it, to the Economic and Social Council, on the measures which they have adopted, the progress made, and the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases, and must do so on the basis of all reliable information available to it.

189. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends by its very nature to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will provide an opportunity for the Government concerned to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policies with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Introduction

190. The Gambia has been a party to the Covenant since 29 March 1979, the date of its entry into force. Since then, it has not submitted a single report. The Committee strongly urges the Government of the Gambia to fulfil its reporting obligations as soon as possible, so that the International Covenant on Economic, Social and Cultural Rights can be given full effect for the benefit of the people of the Gambia. The Committee considers that non-fulfilment of a State party's reporting obligations constitutes a grave impediment to effective and adequate implementation of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

191. The Committee takes note of the fact that the fulfilment by the Government of the Gambia of the obligations imposed by the International Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions prevailing in the country at the present time. Although the Gambia has consistently held a prominent position in the promotion of human rights in Africa, within the framework of a political system of multiparty democracy, since the proclamation of its independence in 1965, its acknowledged political stability came under threat in the period before the general elections held in April 1992.

192. The Committee notes that the Gambia is one of the least developed countries in Africa and that poverty is widespread, especially in the rural areas where, according to UNDP figures, 200,000 people (25 per cent of the population) live below the poverty line. In terms of the human development index, the Gambia ranked 167th out of 173 in 1993.

193. The Committee notes in particular the socio-economic situation of women, whose disadvantage appears to be rooted in traditional practices and in lack of education, among other things.

194. The Committee also notes the absence until recently of a national population policy, the successful implementation of which could be a critical factor in translating optimistic growth projections into the improvement of living standards for all citizens of the Gambia.

195. The Committee further notes that, in spite of the widely acclaimed Economic Recovery Programme supported by the World Bank, benefits deriving from economic growth have not been equitably shared by all citizens. The rural population in particular continues to suffer deterioration in living standards.

D. Positive aspects

196. The Committee notes that human rights are constitutionally protected in the Gambia and that the Government exerts efforts to promote observance of human rights. In particular, it notes the establishment of the African Centre for Democracy and Human Rights Studies, which aims at promoting greater respect for human rights in Africa. The Committee also notes that the Gambia is an active contributor to the work of the Organization of African Unity's Commission on Human and People's Rights.

197. The Committee welcomes the enactment of the Labour Act of 1990, which ensures the freedom to form associations including trade unions, protects the right to organize and bargain collectively, and sets minimum standards of contracts in the areas of hiring, training, terms of employment, wages and termination of employment.

E. Principal subjects of concern

198. In relation to the rights contained in articles 6 to 9 of the Covenant, the Committee notes with concern that income levels of females generally remain below the government minimum wage scale, particularly those of the female labour force working in contract farming production. The Committee takes particular note that only 20 per cent of the labour force are in effect covered by minimum wage legislation while the remainder are informally employed, chiefly in agriculture.

199. The Committee also notes with concern that, as of January 1994, the Gambia had not ratified any of the ILO Conventions.

200. With regard to article 10 of the Covenant, the Committee expresses its profound concern about the situation of those women in the Gambia whose marriages are arranged for them by parents or guardians without their full and free consent as provided for in the Covenant. The Committee notes that polygamy is allowed in the Gambia, and observes that in accordance with articles 2 and 3 of the Covenant, the legal status of women should not be prejudiced.

201. With regard to the right to an adequate standard of living recognized in article 11 of the Covenant, the Committee is concerned about the reported inadequacy of the food supply in the country. UNDP figures for 1992 show that 68.8 per cent of urban families did not have enough food and that the diet of 64 per cent of rural families was insufficient to withstand the rainy season. There are indications that chronic malnutrition among children could be as high as 40 per cent. The Committee regrets that it has no information on the right to housing in the Gambia.

202. Regarding the right to health in article 12 of the Covenant, the Committee expresses its deep concern over the extremely high maternal mortality rate of 1,050 per 100,000 live births. UNICEF identifies the main causes to be haemorrhage and infection related to the lack of access to and poor services. The Committee is equally concerned over the alarming UNDP figures of infant mortality and fertility rates of the Gambia, which are among the highest in Africa: 145.1 per 1,000 live births in 1986-1987 and a 6.5 fertility rate during the same period. The Committee deplores the practice of female genital mutilation which is still prevalent in the Gambia. Independent experts report that more than half the female population in the Gambia have undergone this procedure.

203. With regard to the right to education in article 13 of the Covenant, the Committee deeply regrets the absence of compulsory education in the Gambia and draws the attention of the Government to its obligation under the Covenant to ensure that "primary education shall be compulsory and available free for all". The Committee also draws the attention of the Government of the Gambia to the obligation, under article 14 of the Covenant, in cases where free compulsory education has not been assured, to "work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years," of the relevant right. The Committee expresses its concern not only about the high rates of illiteracy but also the gender disparities apparent in the figures. The latest UNICEF data reports that over 75 per cent of adults between the ages of 15 and 54 are functionally illiterate and

that 90 per cent of the total are women. The same data source reports how women are disadvantaged educationally, females comprising only one third of primary school students and only one fourth of high school students. The Committee is also concerned that, as a result of the absence of compulsory education legislation and because of the paucity of secondary school opportunities, most children complete their formal education by the age of 14 and informally enter the work force.

F. Suggestions and recommendations

204. The Committee reiterates its request that the Government of the Gambia should actively participate in a constructive dialogue with the Committee as to how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls the Government's attention to the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that the Gambia has been in breach of this obligation for many years.

205. The Committee recommends that the Government of the Gambia should avail itself of the advisory services of the United Nations Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

DOMINICAN REPUBLIC

206. At its 5th meeting on 4 May 1994, the Committee considered the request by the Government of the Dominican Republic to postpone the consideration of the situation in that country until its next session and, at its 7th meeting on 5 May 1994, adopted the following decision.

207. In view of the existence of exceptional circumstances in the case, the Committee agrees to a request from the representative of the Dominican Republic to postpone until its eleventh session consideration of the matters arising out of the Committee's request to the Government for the provision of additional information.

208. The Committee notes that this decision is based upon an assurance given by the representative of the State party to the Committee's Chairperson that an expert from the capital would appear before the Committee in relation to that matter at the meeting scheduled for 6 December 1994 during the Committee's eleventh session.

209. The Committee draws the attention of the State party to the information submitted to it by a non-governmental organization during the tenth session and made available to the Government of the Dominican Republic, and invites the Government of the Dominican Republic to address the matters identified in that document in its presentation to the eleventh session of the Committee.

210. The Committee urges the Government to take all appropriate measures in the meantime to ensure full respect for all economic, social and cultural rights, in particular in relation to the right to housing.

PANAMA

211. At its 21st meeting on 17 May 1994, the Committee considered the information submitted by the Government of Panama in response to the requests made by the Committee at its seventh, eighth and ninth sessions and, at its 28th meeting on 20 May 1994, adopted the following decision.

212. The Committee expresses its appreciation to the Government of Panama for the detailed written replies to the issues identified by the Committee at its seventh session (E/1993/22, para. 197) and for its readiness and willingness to cooperate with the Committee.

213. The Committee notes with satisfaction that the Government of Panama has undertaken:

(1) To provide the Committee with more complete information on the issues identified by the Committee with respect to the right to housing, to be submitted before the eleventh session of the Committee (21 November-9 December 1994);

(2) That the information will be presented to the Committee by experts in the field of housing rights; and

(3) To respond in its written replies to the issues identified in the report on cases of forcible evictions between 1992 and April 1994, submitted to the Committee during its tenth session by the National Commission for Human Rights in Panama (CONADEHUPA)and brought to the attention of the Government of Panama through the specific comments and requests made by members of the Committee at that session.

214. The Committee notes the extensive written information provided to it by the Government of Panama on the final days of the tenth session.

215. The Committee decides to continue its dialogue with the State party with respect to its implementation of the right to housing in the light of all information available to it. For this purpose, the Committee decides to schedule consideration of the situation in Panama at its eleventh session, to permit it to adopt concluding observations.

PHILIPPINES

216. The Committee considered, at its 21st meeting on 17 May, the information submitted by the Government of the Philippines in response to the request made by the Committee at its ninth session, and, at its 28th meeting on 20 May 1994, adopted the following decision.

217. The Committee expresses its appreciation to the Government of the Philippines for the timely and detailed written replies it has submitted and for its readiness and willingness to cooperate with the Committee.

218. The Committee notes with satisfaction that the Government of the Philippines has undertaken to provide the Committee with more complete information on the issues identified by the Committee with respect to the

right to housing in its second periodic report on the implementation of articles 10 to 12 of the Covenant, which it has pledged to submit before the eleventh session of the Committee.

219. The Committee also notes with satisfaction the declaration made by the representative of the Philippines to the effect that the written report would be presented to the Committee by experts in the field of housing rights.

220. The Committee recommends that the report now being prepared by the Government of the Philippines should, in accordance with requests made by Committee members, address the issues identified in the written information submitted to the Committee by the Habitat International Coalition and in the information provided to the Committee on 2 May 1994 by the representatives of the Urban Poor Associates, a local non-governmental organization, with respect to article 11 (right to housing) of the Covenant.

Eleventh session

ARGENTINA

221. The Committee considered the second periodic report of the Republic of Argentina on articles 6-12 of the Covenant (E/1990/5/Add.18) at its 30th, 31st and 32nd meetings on 22 and 24 November and, at its 54th meeting on 8 December 1994, adopted the following concluding observations.

A. Introduction

222. The Committee expresses its thanks to the Government of the Republic of Argentina for submitting its second periodic report in 1993 and welcomes the additional information provided by the Government on articles 9-12 of the Covenant.

223. The Committee reiterates the obligation of States parties to submit full reports relating to the articles under consideration and specifically to the issues communicated to them before the consideration of each report. The Committee emphasizes that the objective must be to present a clear picture of the situation with regard to economic, social and cultural rights in the country's report; even though information submitted previously to another treaty body does not need to be repeated in the Committee, it is the responsibility of the State to make appropriate references in conformity with article 17 (3).

224. The Committee has considered with interest Argentina's written report, which contains important legal information, and has listened to the oral presentation, which placed the written report in a macroeconomic perspective. Nevertheless, the Committee notes the absence of specific information necessary in order to ascertain whether economic, social and cultural rights are being respected in Argentina, both collectively and individually.

225. The Committee acknowledges the reference made by the Government to a report which it had submitted to the Committee on the Rights of the Child. Since at present the Committee does not limit the consideration of

articles 10-12 to the well-being of the child, it welcomes the indications by the Government that it will provide it with additional information on the remaining issues dealt with in these articles.

B. Positive aspects

226. The Committee welcomes the economic progress achieved by Argentina in recent years, especially in efforts to combat inflation, and in the areas of monetary stability and real economic growth. The Committee considers that these conditions are conducive to the promotion of economic, social and cultural rights, although their implementation does not necessarily derive from them.

227. The Committee notes with satisfaction the Government's programmes and activities relating to the rights of the family and the child. Mother and child care has been actively pursued and documented, and the "school canteen programme" appears to be receiving appropriate government support.

228. The Committee takes note of the Government's plan to facilitate home ownership by tenants illegally occupying government property by giving them the opportunity to purchase the land they are occupying at preferential loan rates. Although more factual data are required to ascertain how many people and families have found a permanent solution through the "land plan", the Committee welcomes the concept underlying the plan.

229. In this context, the Committee notes the Government's efforts to increase the percentage of the budget devoted to public welfare, particularly in the area of workers' pensions. It also notes the expressed intention of the Government to initiate periodic programmes for the training of unemployed and underemployed persons.

C. Factors and difficulties impeding the implementation of the Covenant

230. The Committee acknowledges the difficulties encountered by Argentina since democracy was restored in 1983. The efforts to deal with the growing demand for public services have been paralysed by a substantial fiscal deficit, the external debt and the hyperinflation inherited from the pre-democratic years.

231. Adjustment to a more rational economic order has been difficult for Argentine society as a whole and for Argentine workers in particular. The Government has succeeded in stabilizing the value of the currency but the implementation of the structural adjustment programme may harm certain social groups. In the light of this policy, it is unclear whether the Government has taken measures to resolve the problem of housing and pensions.

D. Principal subjects of concern

232. The Committee notes with concern the way in which the "temporary" workers, as they are known in Argentina, are treated, since the measures taken to guarantee their economic, social and cultural rights appear inadequate, particularly in times of growing unemployment.

233. The Committee also notes with concern the extension of the Government's privatization of the pension programme. The basic payment system, to which all are entitled, is gradually being replaced by a new capitalization scheme whose return depends on the pensioner's contributions. This calls in question the prospects for those who are unable to capitalize adequate pensions, including lower-paid workers, and unemployed and underemployed persons.

234. In connection with the Government's training programme, the Committee has been unable to evaluate the need for it and the impact of such programmes owing to the absence of statistics on the population affected.

235. The Committee acknowledges the initiatives taken by the Government to overcome the housing shortage in Argentina. However, there is no indication that its policies, whether those currently under way or those planned for the future, are adequate to meet all the needs.

236. The Committee specifically notes with concern the legal provision permitting rent increases of about 12 per cent, approximately double the previous year's inflation rate, while wages are apparently frozen.

237. The Committee is very concerned about the large number of illegal occupations of buildings, particularly in Buenos Aires, and the conditions in which expulsions are carried out. The Committee draws the attention of the Government to the full text of its General Comment No. 4 (1991) on the right to adequate housing and urges the Government to ensure that policy, legislation and practice take due account of that General Comment.

238. The Committee, while conscious of the Government's efforts to increase awareness of hygiene and safety in the workplace through public campaigns, observes that such campaigns have not proved effective and that hygiene and safety in the workplace are frequently below established standards.

239. Despite the suggestion made by the representative of the Government that the indigenous population in Argentina is small, the Committee is nevertheless surprised at the absence of information about specific programmes adopted by the Government to guarantee the economic, social and cultural rights of the ethnic minorities.

E. Suggestions and recommendations

240. In the light of the inadequacy of the report and the additional information submitted by the Government of Argentina, the Committee invites the Government to submit a further report containing full details relating to articles 9-11 of the Covenant. The Committee emphasizes that the new report and all subsequent reports should be drafted in conformity with the Committee's revised guidelines of 1990 (E/C.12/1991/1) and that the new report must also refer to the issues mentioned in the questionnaire communicated to the Government before the commencement of the dialogue.

241. The Committee urges the Government to analyse the reasons for the lack of effectiveness of its initiatives in the area of safety and hygiene in the workplace and to make greater efforts to improve all aspects of environmental and industrial hygiene and safety.

242. In relation to the stabilization programmes, the Committee, while acknowledging the great success achieved through privatization and decentralization at the macroeconomic level, observes that such measures are not being adequately monitored and thus are leading to the violation of economic, social and cultural rights.

AUSTRIA

243. At its 39th, 40th and 41st meetings on 28 and 29 November, the Committee considered the second periodic report of Austria concerning the rights covered by articles 6 to 9 and 13 to 15 of the Covenant (E/1990/6/Add.5), together with the written replies to the supplementary questions raised by the pre-sessional Working Group, and, at its 52nd meeting on 7 December 1994, approved the following concluding observations.

A. Introduction

244. The Committee expresses its satisfaction to the State party with the detailed report submitted and the supplementary information provided in writing, and also with the constructive dialogue conducted between its members and the Austrian delegation.

245. The Committee greatly appreciates the Austrian delegation's frank, detailed replies to all its questions, which enabled it to gain an overall idea of the way in which Austria is discharging its obligations under the Covenant.

B. Positive aspects

246. The Committee welcomes the efforts made by the Austrian Government to create the conditions necessary for the exercise of the rights recognized under the Covenant. It notes with satisfaction the adoption of legislative measures guaranteeing non-discrimination against women, in particular Act No. 833/1992 amending the Equal Treatment Act of 1979, which addresses the problem of sex-based discrimination in the workplace, and the Federal Act on the Equal Treatment of Women and Men and the Advancement of Women in the Federal Service of 1993, as amended in 1994, which guarantees equal treatment for women and men employed by the federal Administration. The Committee notes the establishment, at the federal level, of the Equal Treatment Commission and the creation of the post of Equal Treatment Advocate.

247. The Committee takes note of the efforts made by the Austrian Government, notably in the field of education, to integrate foreign workers and their families. The Committee also notes the establishment of a fund for the integration of migrants, and also the measures taken to combat xenophobia and promote tolerance.

248. The Committee takes note of initiatives aimed at combating unemployment and the adverse effects of the restructuring of large companies, in particular the establishment of labour foundations.

249. The Committee expresses its satisfaction with the range and quality of the services provided to the population as a whole, and notably social benefits for elderly persons and the disabled.

250. The Committee notes with interest the efforts made in the field of vocational training and the wide spectrum of educational opportunities available after compulsory education has been completed. It takes note of the scope of the continuing education system, which enables adults steadily to expand their knowledge.

251. The Committee notes with satisfaction the measures taken by the State party to ensure the protection of the various ethnic minorities and to guarantee them the right both to be educated in their mother tongue and to preserve and maintain their cultural identity. In this regard, the Committee welcomes the recognition of the Rom minority as a national minority, and notes with satisfaction the allocation of subsidies for the promotion of the cultural activities of minorities, and the establishment within the Federal Chancellery of Advisory Boards on Ethnic Minorities.

C. Principal subjects of concern

252. The Committee notes that the provisions of the universal human rights instruments, the Covenant among them, cannot be directly invoked before the Austrian courts, unlike the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has been incorporated into domestic legislation and has the force of constitutional law. Although the Austrian delegation has stated that its national legislation is consistent with the provisions of the Covenant, the Committee nevertheless expresses its concern that, in the event of a conflict between the provisions of the Covenant and those of domestic legislation, the international obligations entered into under the Covenant may not be fulfilled.

253. The Committee is concerned about the possible adverse consequences, for the implementation of the provisions of the Covenant concerning non-discrimination, of the regulations relating to the new law on residence and residence permits, whose purpose is to limit the number of foreigners authorized to work in Austria, and the conditions laid down - particularly in the area of housing - for the acquisition of an Austrian residence permit.

254. The Committee points out that the ILO Committee of Experts on the Application of Conventions and Recommendations, in its 1994 report to the International Labour Conference, expressed its concern at the persistence of inequalities in the remuneration of women as compared with men, especially in the private sector. In this context, the Committee notes that, despite the considerable legislative efforts made by the State party to ensure equality between the sexes, inequality persists in practice, particularly in the matter of promotion, and sometimes in the provision of social benefits.

255. The Committee observes that standards for the protection of workers concerning limits on the duration of the working day and weekly rest are not always fully met because some areas of the private sector are dilatory in enforcing the relevant legislation.

256. The Committee is also concerned that workers in small businesses (with five or fewer employees) seem not to enjoy adequate protection against the threat of dismissal or termination on the grounds of trade union activities. Similarly, the Committee considers that the representation of workers on works councils is not sufficient to ensure a balance of interests.

D. Suggestions and recommendations

257. The Committee recommends that the State party should envisage taking the measures necessary to place on an equal footing the international human rights instruments, in particular the Covenant, and the European Convention for the Protection of Human Rights and Fundamental Freedoms as regards the place they occupy in the domestic legal order.

258. The Committee recommends that the Austrian authorities should continue their efforts to ensure de facto equality between men and women, especially in the areas of access to employment, remuneration for equal work, working conditions, the right to social security and participation in higher education.

259. The Committee recommends that the Austrian Government should take the necessary measures to ensure that the implementation of the new immigration and residence laws will not impede the exercise, by non-nationals, of the rights set out in the Covenant.

260. The Committee urges the State party to monitor carefully the possible effects of unemployment and reduced social welfare services on the realization of economic, social and cultural rights, in particular for the most vulnerable groups in society, and to take the necessary measures to mitigate their adverse repercussions.

261. Taking account of the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations, in its 1994 report, concerning work done by detainees within prisons for private businesses, the Committee endorses the recommendations addressed to the Government of Austria encouraging it to take measures to improve the level of remuneration and social welfare of such detainees.

262. The Committee recommends that the State party should continue its efforts to ensure the exercise of all the rights recognized in article 8 of the Covenant, in particular for workers employed in small businesses.

263. The Committee deems it essential that the State party should maintain a dialogue with civil society in the preparation of reports to the Committee and should disseminate them as widely as possible.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

264. The Committee considered, at its eleventh session, the second periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland (Dependent Territories) on articles 10 to 12 (E/1986/4/Add.27 and E/1986/4/Add.28) and on articles 13 to 15 (E/1990/7/Add.16) of the Covenant as well as additional information (E/1989/5/Add.9) submitted pursuant to the consideration of the second periodic report of the United Kingdom concerning rights covered by articles 10 to 12 of the Covenant. The Committee considered those reports at its 33rd and 34th meetings on 23 November, and paid particular attention to the specific situation of Hong Kong at its 34th, 36th and 37th meetings on 23, 24 and 25 November. After having considered the reports, the Committee, at its 53rd meeting on 7 December 1994, adopted the following concluding observations.

Introduction

265. The Committee notes that the reports submitted by the State party have been prepared in accordance with the Committee's guidelines. It welcomes the presence of a high-level delegation composed of representatives from the United Kingdom of Great Britain and Northern Ireland and from Hong Kong. It notes with satisfaction that the information submitted in the reports and that provided by the delegation in reply to both written and oral questions enabled the Committee to obtain a comprehensive view of the extent of the State party's compliance with its obligations under the Covenant. The Committee also appreciates the submission of written replies to its list of issues. It considers that the content and form of the dialogue established between the delegation and the Committee was, in many respects, highly satisfactory.

266. The Committee was especially appreciative of the constructive manner in which the delegation referred to and responded to the contributions of non-governmental organizations to the Committee's review of the implementation of the Covenant in Hong Kong.

PART ONE

Implementation of articles 10 to 12 and 13 to 15 of the Covenant in the United Kingdom of Great Britain and Northern Ireland and its Dependent Territories (with the exception of Hong Kong)

A. Positive aspects

267. The Committee welcomes the enactment in recent years of a number of laws which aim to promote the safeguarding and enjoyment of the rights guaranteed by the Covenant. It appreciates, in particular, the adoption of the Education Act 1993 and of the Code of Practice on the Identification and Assessment of Special Educational Needs and notes that the latter was issued in May 1994 to identify and assess children with special educational needs and provide for their education whenever possible in mainstream schools. It also welcomes the Local Government and Housing Act 1989 and the Homelessness Code of Guidance for Local Authorities which aim at overcoming certain difficulties in the implementation of the right to housing as specified in article 11 of the Covenant.

268. The Committee takes note with interest of the efforts of the Government to promote self rule in the various Dependent Territories and to enhance public awareness of and ability to exercise economic, social and cultural rights.

B. Factors and difficulties affecting the implementation of the Covenant

269. The State party reported no specific factor or difficulty affecting the implementation of the Covenant. The Committee, however, notes that notwithstanding the absence of such information in the reports it is clear that certain economic and social difficulties continue to be faced by the most vulnerable segments of society, partly as a result of budgetary constraints.

270. The Committee notes that while the small size and therefore limited human and material resources of most of the Dependent Territories might result in certain difficulties, the fact remains that the rights recognized in the Covenant must be fully implemented even if this requires additional efforts and resources from the United Kingdom Government.

C. Main subjects of concern

271. The Committee regrets that it has not been felt possible to include in the reports submitted to the Committee concerns and views expressed by the public and non-governmental organizations, including in the relevant territories. In that regard, the Committee recalls that the meaning of the reporting procedure is precisely to focus attention and debate on the implementation of the rights guaranteed by the Covenant. Similarly, judges and other members of the legal profession have not given sufficient consideration to the importance of this Covenant within domestic law. The Committee considers that availability of the reports in the library of the House of Commons is insufficient to satisfy the interest of the public at large.

272. The Committee notes the concern expressed to it about the situation of Gibraltar in relation to the right to self-determination recognized in article 1 of the Covenant and calls upon all parties to the existing situation to ensure full respect for all the rights recognized in the Covenant in relation to future developments concerning Gibraltar.

273. The Committee takes note with concern that insufficient measures have been taken to address the apparent disparities in employment patterns and opportunities of certain minority groups and between men and women. In the latter regard, it is regretted that women are still employed disproportionately in lower-paid occupations.

274. The Committee is concerned about difficulties faced in the implementation of article 11 of the Covenant. In this context, it regrets that a large number of households have experienced harassment or illegal eviction and notes that the national housing policy is not adequate to address this problem which particularly affects private tenants who are single parents, have low incomes or, in general, are among the most vulnerable groups of society. The Committee also notes with concern that serious difficulties continue to be faced regarding the enforcement of improvements to unsafe housing in England and Wales as well as in the handling by the authorities of the growing problem of homelessness.

275. The Committee considers the situation of disadvantaged groups in the education system to be of particular concern. It specifically notes the grave disparities which appear to prevail in the level of education depending on the social origin of the pupil. Regional differences in the quality of the education provided to children is also a matter of concern.

276. The Committee regrets that insufficient measures have been taken towards the development of a universal preschool education scheme. It is concerned about the relatively low proportion of 16 to 18-year-olds who continue in full-time education, the large number of children who do not complete their schooling and the growing reliance in the context of the education system

reform upon voluntary contributions by parents. The Committee also regrets the lack of sufficient opportunities available to persons with disabilities to pursue their right to education within the mainstream.

D. Suggestions and recommendations

277. The Committee recommends that appropriate measures should be taken to disseminate information on the rights guaranteed under the Covenant to all sectors of society, particularly to judges, civil servants, social workers and members of other professions concerned by its implementation. The Committee encourages the United Kingdom of Great Britain and Northern Ireland to take into account General Comment No. 1 (1989) of the Committee in the preparation of its next periodic report, in order to enhance the transparency of government policy-making with respect to economic, social and cultural sectors.

278. The Committee underlines that efforts should be made to identify the needs of disadvantaged groups in the field of education and to draw on the results of any studies or reviews in the development of policy initiatives to respond to the needs of such groups. The Committee also recommends that priority should be given to expand access to preschool education and to develop basic skill programmes in reading, writing and numeracy, particularly to the benefit of children up to the age of seven. Appropriate school training should also be made available to long-term unemployed persons.

279. In view of the existing situation of older persons and of persons with disabilities, the Committee urges the Government to make an enhanced effort to assess the needs of these groups in relation to their rights under articles 13 to 15 of the Covenant.

280. The Committee urges the State party to improve its monitoring of the problem of inadequate housing and to develop more active and focused measures to improve the situation. In this connection, it draws the attention of the State party to the provisions of its General Comment No. 4 (1991).

PART TWO

Implementation of articles 10 to 12 and 13 to 15 of the Covenant in Hong Kong

A. Positive aspects

281. The Committee notes with interest that Hong Kong has prospered economically to a degree that places considerable material resources at the disposal of the Government to enhance the enjoyment of economic, social and cultural rights in Hong Kong. The Committee acknowledges the significant number of measures that the Government has undertaken in relation to the rights enshrined in the Covenant.

282. The Committee notes with satisfaction the efforts made by the Hong Kong Government to make available to the Hong Kong community the text of the Covenant and the report submitted to the Committee. It welcomes the commitment made that in future, the draft report will be circulated for public comment.

283. The Committee welcomes the terms in the Sino-British Joint Declaration and the Basic Law which affirm that the provisions of the Covenant will remain in force and continue to apply to Hong Kong after 1997. The Committee also welcomes the incorporation of the Covenant as a justiciable constitutional guarantee in article 39 of the Basic Law. While the Committee realizes that the continuation of reporting in respect of Hong Kong after 1997 may pose some legal and technical problems, it emphasizes the very important role played by reporting in relation to the protection of economic, social and cultural rights. The Committee is aware that there are various options by which these problems may be overcome. On this basis the Committee affirms its willingness and indeed its strong wish to receive reports on Hong Kong from the People's Republic of China or, if the authorities so decide, directly from the Hong Kong Special Administrative Region. In the meantime, especially in view of the commitments entered into in the Joint Declaration, the Committee hopes that the People's Republic of China will accede to the Covenant.

B. Factors and difficulties affecting the implementation of the Covenant

284. The Committee notes that uncertainties arising from the anticipated transfer of sovereignty to China in 1997 have apparently resulted in the reluctance on the part of the Hong Kong Government to seek to its maximum capacity the protection and promotion of the economic, social and cultural rights of its constituents.

C. Principal subjects of concern

285. The Committee regrets that the provisions of the International Covenant on Economic, Social and Cultural Rights are not incorporated into Hong Kong domestic law unlike the International Covenant on Civil and Political Rights. The Committee finds unacceptable the view expressed by the Government that the rights enshrined in the former are "different in nature" from civil and political rights and therefore not capable of being the subject of an enforcement procedure under domestic law.

286. The Committee is concerned that the relatively low-level of awareness of, and interest in, international human rights law on the part of the judiciary results in the inadequate consideration of the provisions of the Covenant in judicial decision-making to the extent that is permitted by the common law system.

287. The Committee expresses its concern that, in spite of recent Government initiatives to introduce legislation concerning non-discrimination in relation to sex and disability, there is an absence of comprehensive legislation providing protection against discrimination on the grounds referred to in article 2 of the Covenant. The Committee notes with concern that the Government's proposed legislation on sex discrimination includes a number of exclusions and exemptions - in particular the so-called small-house policy - which discriminate against women.

288. The Committee is concerned about the Government's clear objection to the establishment of a human rights commission.

289. The Committee is particularly disturbed by the problem of split families in Hong Kong, especially where it concerns spouses who are forced to live apart from each other and children who are separated from parents and siblings. The Committee is of the view that this situation is the result of Hong Kong's present immigration law, and considers that the separation of families is inconsistent with the obligations under article 10 of the Covenant.

290. The Committee is also concerned that in the case of Hai Ho-Tak it has received conflicting explanations of the reasons for the separation of the child from his parents and as to which authorities are in a position to resolve the problem. The Committee finds these explanations unconvincing and maintains its concern that unduly broad bureaucratic reasons have been used as a justification for a measure which is not compatible with the rights recognized in article 10. The suggestion that the child's parents should apply for a one-way permit would not appear to be an adequate solution, given the very lengthy delay that would result. The Committee urges the Government to reconsider its response to this case. It also notes that no compelling reason has been offered by the Government for its refusal to provide a statutory right of appeal in immigration cases which involve exceptional circumstances of a humanitarian nature and urges that this principle should also be reconsidered.

291. The Committee is deeply concerned by the information it has received about the treatment of Vietnamese asylum-seekers in Hong Kong. It is particularly concerned about the situation of the children and is alarmed by the statements made by the Government that these children have no entitlement to the enjoyment of the right to education or to other rights in view of their status as "illegal immigrants". The Committee considers the situation inconsistent with obligations set forth in the Covenant.

292. The Committee expresses its concern about the legal and social position of foreign employees known as domestic helpers in Hong Kong. It considers that these workers' economic, social and cultural rights are seriously impaired by the so-called two-week rule which provides that a worker may neither seek employment nor stay more than two weeks in Hong Kong after the expiration of original employment; by the fact that maximum working hours are not set; and by the discriminatory practice of not being allowed to bring their families to Hong Kong, while professional migrant workers from developed countries are allowed to do so.

293. The Committee deplores the plight of persons - most of whom are elderly - living in subhuman conditions in "cage homes", and considers unacceptable the inaction of the Hong Kong Government despite abundant financial resources at its disposal.

294. The Committee notes with concern that the present level of social security payments available to the elderly appears to be insufficient to permit them to enjoy fully their rights under the Covenant. It is particularly concerned about the health and social problems facing elderly people who are totally dependent on Comprehensive Social Security Assistance payments.

D. Suggestions and recommendations

295. The Committee urges the Government of the United Kingdom to inform the Committee as soon as possible of the modalities arrived at in agreement with the Government of China by which the reporting obligations under the Covenant will continue after 1997.

296. The Committee enjoins the Government of Hong Kong to establish procedures to allow an appropriate body to adjudicate on complaints of infringement of the rights under the Covenant, and to allow the Hong Kong legislature to consider the desirability of establishing a human rights commission.

297. The Committee recommends that competent authorities responsible for continuing legal education for the judiciary should take active steps to ensure that Hong Kong judges are appropriately updated on a continuing basis on developments in international human rights law.

298. The Committee recommends that the Government should take immediate steps to introduce a comprehensive anti-discrimination legislation especially in relation to all forms of discrimination against women.

299. The Committee recommends a review of the existing immigration policy of Hong Kong with a view to amending the provisions which result in split families.

300. The Committee urges the Hong Kong Government to take immediate steps to ensure that children in refugee camps and those released from them are accorded full enjoyment of the economic, social and cultural rights guaranteed to them under the Covenant. The Committee also recommends a closer cooperation with volunteer organizations and the United Nations High Commissioner for Refugees.

301. The Committee recommends the repeal of the two-week rule and a review of the employment conditions of foreign domestic helpers to provide the full enjoyment of their rights under the Covenant.

302. The Committee urges the Government to take immediate steps, as a matter of high priority, to eradicate the phenomenon of "cage homes", and to ensure that those currently living in such accommodation are provided with adequate and affordable rehousing. The Committee also urges the Government seriously to consider the embodiment into domestic law of the right to housing.

303. The Committee recommends a review of the existing social security system as soon as possible, with a view to addressing the inadequacies of benefits for older persons.

304. The Committee considers that Hong Kong is in the fortunate position of having sufficient resources to address its present inadequacies in relation to its obligations under the Covenant, and urges it to do so as soon as possible.

SURINAME

305. At its 54th and 55th meetings on 8 December 1994, the Committee considered the initial report of Suriname on articles 1 to 15 of the Covenant (E/1990/5/Add.20) and, at its 55th meeting, adopted the following concluding observations.

306. The Committee welcomes the report submitted by the Government of Suriname in 1993. It regrets that the Government was not present to introduce its report before the Committee and did not submit answers to the written list of issues, which necessitated consideration of the report without the Government's presence. The Committee points out that failure by States parties to appear at Committee meetings as scheduled, with notice provided in the case of Suriname only one day prior to the scheduled meeting, is disruptive to the dialogue between the Committee and the State party and hinders the Committee in arriving at an accurate assessment of the State party's compliance with the Covenant.

307. The Committee requests the Government in the strongest possible terms to submit replies in writing to the list of issues as soon as possible.

308. The Committee will adopt its final concluding observations in relation to Suriname at its twelfth session and for this purpose will take full account of the information available to it from all sources.

DOMINICAN REPUBLIC

A. Introduction

309. At its 43rd and 44th meetings on 30 November 1994, the Committee examined matters arising out of the requests to the Government of the Dominican Republic for the provision of additional information, in particular relating to the right to adequate housing. The Committee has devoted ongoing attention to these issues since its fifth session (1990), with particular concern about alleged instances of large-scale forced evictions. At its tenth session the Committee urged the Government to take all appropriate measures in the meantime to ensure full respect for all economic, social and cultural rights, in particular in relation to the right to housing. At its 55th meeting on 8 December 1994, the Committee adopted the following concluding observations.

310. The Committee appreciates the appearance before it of two representatives, including an expert from the capital, and the opportunity to engage in a constructive dialogue with the Government on the right to adequate housing.

B. Positive aspects

311. The Committee welcomes the frank and open manner in which the Government responded to questions put to it and its willingness to acknowledge many of the difficulties which have impeded the implementation of the Covenant. In particular, the Committee welcomes the information received on the extent of

the practice of forced evictions, the impact of fraud and other unfair practices in the allocation of public housing units and information concerning positive changes in Government policy.

312. The Committee notes the housing rights provisions in article 8 (15) (b) of the Constitution and several recent amendments to the relevant provisions of the Constitution. It notes that these provisions could, if reflected fully in law and practice, assist in promoting enhanced accountability and the development of judicial procedures which would provide an effective means of recourse for those whose right to housing is threatened.

313. The Committee welcomes those aspects of decrees 76-94 of 29 March 1994 and 155-94 of 11 May 1994 which commit the State to providing the broadest possible protection to the stability of the Dominican family and to giving property titles to all families who, up to 11 May 1994, have built homes on lands declared to be public property. The Committee also welcomes the decision by the Government to create a green belt around the city of Santo Domingo, and its commitment to construct 12,500 new housing units for low-income communities.

314. The Committee also welcomes the Government's statement of its intention to amend its legislation and policy to bring them into line with the obligations arising out of the Covenant, to take measures with regard to forced evictions and to adapt relocation policies to ensure that such measures are carried out only as a last resort and that when they do occur the principle of a "house for a house" will be respected. The indication by the Government that urgent consideration will be given to suspending decrees 358-91 and 359-91 is particularly welcomed by the Committee.

315. The Committee welcomes the undertaking by the Government to submit additional information on all questions which were unanswered and to give positive consideration to the Committee's request to send one or two of its members to the country with a view to assisting the Government in implementing the rights found in the Covenant.

C. Principal subjects of concern

316. The Committee reiterates the importance it attaches to the right to housing and reaffirms its long-standing view that forced evictions are prima facie incompatible with the requirements of the Covenant and can only be justified in truly exceptional circumstances. The situation regarding forced evictions within the country continues to be viewed with concern by the Committee.

317. The Committee has received, over the course of several years, detailed and precise information relating to the housing situation in the Dominican Republic. This information has systematically been provided to the Government with a request for comments as to its accuracy. That information has indicated, inter alia, that:

(a) Thirty thousand or more families residing in the Northern Zone (Zona Norte) of the capital are threatened with forced eviction under decrees 358-91, 359-91 and 76-94. Areas particularly affected are La Cienaga-los Guandules, Gualey, Barranca de Guachupita, Simon Bolivar, La Canada de Simon Bolivar, Barrio 27 de Febrero, La Zurza, Capotillo, Las Canitas, Ens Espaillat, Maquiteria, Simonico, Cristo Rey, Guaricano, Borojol, 24 de Abril and parts of the Colonial Zone;

(b) Thousands of families have been evicted from the site of the "Faro a Colon" in the city without regard to their rights;

(c) Forced evictions have also occurred in cities such as Santiago, San Juan de la Maguana, Boca Chica and El Seybo, as well as in rural areas such as Los Haitices and Jiguey-Aguacate;

(d) Of the many families relocated to sites on the periphery of Santo Domingo only a small proportion received relocation allowances while some 3,000 families received neither relocation allowances nor adequate compensation for their eviction;

(e) The current living conditions faced by those relocated as a result of Hurricane David in 1979, in particular the 106 families residing under the Duarte Bridge (Puente Duarte) and the 658 families residing in los Barrancones de Alcarrizo, are grossly inadequate.

318. While the Government presented the Committee with information as to the achievements and shortcomings of its various policies in relation to housing, the Committee did not receive any information which would lead it to conclude that these problems do not exist or have been adequately addressed.

319. It therefore expresses its serious concern about the nature and magnitude of the problems relating to forced evictions and calls upon the Government of the Dominican Republic to take urgent measures to promote full respect for the right to adequate housing. In this regard, the Committee notes that whenever an inhabited dwelling is either demolished or its inhabitants evicted, the Government is under an obligation to ensure that adequate alternative housing is provided. In this context "adequacy" requires relocation within a reasonable distance from the original site, and in a setting which has access to essential services such as water, electricity, drainage and garbage removal. Similarly, persons who are housed in conditions which threaten their life and health should, to the maximum of available resources, be adequately rehoused.

320. The Committee is concerned about the ease with which the Government is prepared to authorize or undertake the demolition of homes, even when such dwellings are capable of being repaired or renovated. It appears that insufficient attention is paid in this context to extensive alternative community development and urban improvement plans developed by popular organizations.

321. The Committee was informed that the national housing unit deficit currently stands at some 500,000 units. If correct, this level would be exceptionally high given the relatively small population of the country. While the Committee commends the Government for the construction of roughly 4,500 housing units annually, this quantity is clearly insufficient. Moreover, the Committee was also informed that less than 17 per cent of Government-built housing units are provided to the poorest sectors of society.

322. On the basis of the detailed information available to it, the Committee also wishes to emphasize its concern about the "militarization" of La Cienaga-Los Guandules, the long-standing prohibition on improving or upgrading existing dwellings for the more than 60,000 residents of the area, and the inadequate and heavily polluted living conditions. The situation is especially problematic given that these communities were originally established as relocation areas for evicted persons in the 1950s. Since that time the Government has failed to confer legal security of tenure on residents or to provide basic civic services.

323. The Committee also notes that, based on available information, the situation of the 200,000 persons residing in rooming houses in Santo Domingo would often appear to be below any acceptable standards.

324. The Committee is concerned about the effects Presidential decrees can and do have upon the enjoyment of the rights recognized in the Covenant. It wishes to emphasize in this regard the importance of establishing judicial remedies which can be invoked, including in relation to Presidential decrees, in order to seek redress for housing rights violations. The Committee is not aware of any housing rights matters that have been considered by the Supreme Court in relation to article 8 (15)(b) of the Constitution. In so far as this might be taken to indicate that the provision has not so far been subject to judicial review, the Committee expresses the hope that greater reliance will be placed upon it in future as a means by which to defend the right to adequate housing.

D. Suggestions and recommendations

325. The Committee draws the attention of the Government to the full text of its General Comment No. 4 (1991) on the right to adequate housing and urges the Government to ensure that policy, legislation and practice take due account of that General Comment.

326. The Government should ensure that forced evictions are not carried out except in truly exceptional circumstances, following consideration of all possible alternatives and in full respect for the rights of all persons affected. On the basis of the information available to it, the Committee has no reason to conclude that existing plans for forced eviction in Santo Domingo, to which its attention has been drawn, are necessitated by any such exceptional circumstances.

327. All persons residing in extremely precarious conditions, such as those residing under bridges, on cliff sides, in homes dangerously close to rivers, ravine dwellers, residents of Barrancones and Puente Duarte, and the more than 3,000 families evicted between 1986-1994 who have yet to receive relocation sites (from Villa Juana, Villa Consuelo, Los Frailes, San Carlos, Guachupita, La Fuente, Zona Colonial, Maquiteria, Cristo Rey, La Cuarenta, Los Ríos and La Zurza), should all be ensured, in a rapid manner, the provision of adequate housing in full conformity with the provisions of the Covenant.

328. The Government should confer security of tenure on all dwellers lacking such protection at present, with particular reference to areas threatened with forced eviction.

329. The Committee notes that Presidential decrees 358-91 and 359-91 are formulated in a manner inconsistent with the provisions of the Covenant and urges the Government to consider the repeal of both of these decrees within the shortest possible time. The Government should seek to remove the military presence in La Cienaga-Los Guandules and allow residents the right to improve their homes and the community at large. The Government should also give careful consideration to implementing alternative development plans for the area, taking full account of plans developed by non-governmental and community-based organizations.

330. The Committee suggests that in order to promote the objectives referred to in these observations the Government might consider the establishment of commissions, composed of representatives of all relevant sectors of society, in particular civil society, to oversee the implementation of decrees 76-94 and 155-94.

331. The Committee requests the Government to apply existing housing rights provisions in the Constitution and for that purpose to take measures to facilitate and promote their application. Such measures could include: (a) adoption of comprehensive housing rights legislation; (b) legal recognition of the right of affected communities to information concerning any governmental plans actually or potentially affecting their rights; (c) adoption of urban reform legislation which recognizes the contribution of civil society in implementing the Covenant and addresses questions of security of tenure, regularization of land-ownership arrangements, etc.

332. In order to achieve progressively the right to housing, the Government is requested to undertake, to the maximum of available resources, the provision of basic services (water, electricity, drainage, sanitation, refuse disposal, etc.) to dwellings and to ensure that public housing is provided to those groups of society with the greatest need. It should also seek to ensure that such measures are undertaken with full respect for the law.

333. In order to overcome the existing problems recognized by the Government in its dialogue with the Committee, the Government is urged to give consideration to initiatives designed to promote the participation of those affected in the design and implementation of housing policies. Such initiatives could include: (a) a formal commitment to facilitating popular participation in the urban development process; (b) legal recognition of community-based organizations; (c) the establishment of a system of community housing finance designed to open more lines of credit for poorer social sectors; (d) enhancing the role of municipal authorities in the housing sector; (e) improving coordination between the various governmental institutions responsible for housing and considering the creation of a single governmental housing agency.

334. The Committee urges the Government to revise the 1994 Master Plan of Santo Domingo to bring it into line with the obligations arising under the Covenant and to involve civil society in the revision and implementation of the Plan. Forced evictions should not be envisaged except in full compliance with the conditions noted above.

335. Subsequent to the appearance before the Committee of two representatives of the Government of the Dominican Republic, the Committee received

information that, based on a recommendation by the Special Committee on Urban Affairs, decree 371-94 was promulgated on 1 December 1994, ordering the immediate eviction of two sectors situated on the banks of the Isabela River. In the implementation of this decree the Committee requests the Government to ensure its compliance with the terms of the Covenant and to take full account of the recommendations contained in these concluding observations. The Committee has also learnt that the problem of evictions is attracting attention in the country's press and is aware of the polarization which the issue is currently causing in Dominican society. The Committee feels that it could make a more comprehensive assessment of the problem of evictions if the Government of the Dominican Republic were to invite one or two Committee members to make an in situ visit. The Committee therefore renews its request to the Government to send a two-person mission to the country and recalls that this request has already been endorsed clearly on two occasions by the Economic and Social Council.

MALI

336. The Committee reviewed the implementation by Mali of the Covenant at its 44th meeting on 30 November 1994 and, at the same meeting, adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

337. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

338. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it, to the Economic and Social Council, on measures which they have adopted, the progress made, and the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle for the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases, and must do so on the basis of all reliable information available to it.

339. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends by its very nature to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will provide an opportunity for the Government concerned to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity

of its policies with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Introduction

340. Mali has been a party to the Covenant since 3 January 1976, the date of its entry into force. Since then, it has not submitted a single report. The Committee strongly urges the Government of Mali to live up to its reporting obligations as soon as possible so that the Covenant on Economic, Social and Cultural Rights can be given full effect, for the benefit of the people of Mali. The Committee emphasizes that it considers the non-performance by Mali of its reporting obligations not only a violation of the Covenant but also a grave impediment to an adequate application of the Covenant.

C. Factors and difficulties impeding the application of the Covenant

341. The Committee takes note of the fact that the fulfilment by the Government of Mali of the obligations imposed by the International Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions prevailing in the country at the present time. In this regard, the Committee is aware that as a land-locked country, rather poor in mineral resources, lacking in organized manufacturing industries, and subject to frequent droughts, Mali has one of the lowest per capita incomes in Africa and in the world. The negative effects of this poverty on the capacity of Mali effectively to implement the articles of the Covenant are further complicated by the fact that:

(a) About one third of its population still lives a nomadic or semi-nomadic life;

(b) There are ethnic conflicts and disturbances; and

(c) About 2 million of its population of working age live abroad in temporary or prolonged migration, mainly in Europe and the neighbouring countries.

342. It should be noted, however, that in mid-May an agreement was reached between the Government and the Tuareg rebels. None the less there is considerable concern regarding the future of the agreement, following an escalation of violence.

D. Positive aspects

343. The Committee notes that Mali, despite the dire circumstances described above, has succeeded in returning to a democratic form of government and now possesses a multipartite National Assembly and an independent judiciary. Virtually all of Mali's ethnic and language groups are represented at all levels of government and society. The Committee further notes that the overall human rights situation in Mali continues to improve. It is aware of the efforts made by the Government to liberalize the country's economy, and it welcomes the steps which the Government is taking to integrate women into the

formal processes of development. Finally, the Committee notes the existence of an active trade union movement in Mali. The right to strike is recognized in practice.

E. Principal subjects of concern

344. The Committee notes that, although the new Constitution of Mali reaffirms that there shall be no discrimination, economic and educational opportunities for women are still disproportionately limited. Thus, according to a recent United Nations report, females in Mali receive only 29 per cent as much schooling as males. The adult literacy rate among women is half that of men. The Committee also notes that traditional practices as well as existing laws place women at a disadvantage with regard to family and property rights.

345. With regard to Article 6 of the Covenant, the Committee notes with concern that, despite the prohibition of forced labour in the new Constitution, debt bondage still exists in the salt mining communities north of Timbuktu. It has to be stated, however, that the number of people treated in this way has decreased and that the Government has assisted in the rehabilitation of former victims.

346. Regarding Article 7, the Committee notes that, although Mali has a detailed labour code, most people gain their living in the informal sector and thus, in fact, remain unprotected by such legislation. Owing to a lack of inspectors, legal provisions on occupational safety remain insufficiently enforced.

347. The Committee also notes that the official minimum wage is one of the lowest in Africa. This circumstance has been further aggravated by the devaluation of the CFA franc in January 1994.

348. With regard to Article 10 of the Covenant, the Committee expresses its concern about the fact that, despite legislation to the contrary, child labour is widespread, above all in the informal sector of the Malian economy. The Committee is also concerned about the prevalent mistreatment of women and the insufficient way in which the Government has addressed this phenomenon.

349. With regard to the rights recognized in Article 11 of the Covenant, the Committee expresses its concern about the further degradation of the standard of living of the population of Mali as a consequence of the devaluation of the CFA franc. The Committee is also concerned about the precarious situation of the food supply in Mali, caused partly by the irregularities of rainfall but also by malfunctioning of the market in agricultural products. According to UNICEF statistics of the late 1980s, the malnutrition rate ranged between 6 and 25 to 30 per cent depending on the year and the region.

350. Regarding the right to health enshrined in Article 12 of the Covenant, the Committee is concerned that child, infant and maternal mortality rates in Mali are still among the highest in the world. Thus, almost one in five children under the age of five dies each year. Approximately 1,000 deliveries per 100,000 births result in the death of the mother. Diarrhoea, malaria and acute respiratory infections, aggravated by malnutrition, alone account for more than 40 per cent of deaths. Acquired immune deficiency syndrome (AIDS) is spreading rapidly. With regard to water

and sanitation, the average rate of access to water country-wide is about 50 per cent, but as low as 4 per cent in the difficult terrain of the north of the country. The overall rate of access to sanitation facilities is estimated at approximately 15 per cent. The geographical distribution of health services and personnel continues to show a heavy urban bias.

351. The Committee expresses its profound concern about the prevalence of traditional practices of female genital mutilation, to which, according to one expert, as many as 75 per cent of girls and women in Mali are being subjected. Even though the Government attempts, by means of radio and television broadcasts, to discourage female circumcision, legislation in effect for 30 years prohibiting such practices has never been enforced.

352. With regard to the right to education recognized in Article 13 of the Covenant, the Committee is concerned about the high rate of illiteracy (adult illiteracy averaged 68 per cent: males 59 per cent, females 76.1 per cent) in Mali. The Committee is further concerned about the fact that Mali has shown only modest progress in terms of educational standards over the past 20 years and has actually been regressing over the past 10 years. Formal primary schooling still does not appear to meet the needs of the population despite efforts by the Government. The rate of school enrolment in Mali is among the lowest in the world. Enrolment in primary schools included only 15 per cent of children in the relevant age group (males 17 per cent, females 14 per cent); secondary enrolment is equivalent to only 7 per cent of children in the appropriate age group (males 10 per cent, females 5 per cent). Many students receive higher education abroad, mainly in France and Senegal. Repeat and drop-out rates are very high; only 7 per cent of pupils complete the primary education cycle each year. Most of the recurrent education budget goes to teachers' salaries. Yet 20 per cent of the teachers are not in school but are assigned to other duties.

F. Suggestions and recommendations

353. The Committee urges the Government to undertake every effort to ensure that measures of economic liberalization and structural adjustment will not adversely affect the most vulnerable groups within Malian society.

354. The Committee reiterates its request that the Government of Mali should actively participate in a constructive dialogue with the Committee as to how the obligations arising from the Covenant can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Mali has been in breach of this obligation for many years.

355. The Committee recommends that the Government of Mali should avail itself of the advisory services of the United Nations Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

PANAMA

356. At its 50th meeting on 6 December 1994, the Committee heard a statement by the Permanent Representative of Panama to the United Nations Office at Geneva in which he indicated that the Government of Panama accepted the offer of the Committee to send two of its members to pursue its dialogue with the Government in relation to the matters identified by the Committee at its sixth to eleventh sessions.

357. The Committee expressed its appreciation to the Government of Panama for its readiness and willingness to cooperate with it.

358. The Committee held a discussion on various matters relating to the organization of the mission to Panama and agreed that:

- The Committee should be represented by two of its members - Mr. Philippe Texier and Mr. Javier Wimer Zambrano - and assisted on the mission by one staff member of the Centre for Human Rights;

- The mission should take place preferably before the Committee's twelfth session, ideally in March or the beginning of April 1995;

- The precise terms of reference of the mission would be further discussed by the Committee, keeping in mind that the clear focus should be on the implementation of the right to housing (Article 11 (1) of the Covenant); this would not prevent members of the Committee from accepting information on other matters which might be relevant to the Committee's eventual consideration of Panama's next periodic report but the members would not be in a position to respond to, or pursue further, any such information;

- The members of the mission should consult the Chairperson of the Committee, and if necessary through him the members of the Bureau, on any matter which, in their view, might warrant such consultation;

- The members of the mission would agree in advance on general guidelines governing their relationship with the media. These would be designed to protect the dignity and effectiveness of the mission while acknowledging the inevitable and legitimate interest of the media;

- One member of the mission, Mr. Texier, would be responsible for the preparation, on the basis of agreement with Mr. Wimer Zambrano, of a written report and its submission to the Committee at its twelfth session to be held from 1 to 19 May 1995;

- The confidential report should be considered by the Committee in private and subsequently adopted for public release;

- Significant assistance would be required from the secretariat in the preparation of the mission, particularly in obtaining and analysing relevant information. It was agreed that the secretariat should seek inputs from all relevant sources and should specifically request any pertinent reports or other information from UNDP, the World Bank, Habitat, ILO and other such agencies, as well as from non-governmental organizations.

359. The mission will have to meet the government authorities responsible for housing questions. It will also have to seek the views of institutions liable to become involved in housing problems in one capacity or another: judicial authorities, national, regional or local administrations, representatives of civil society (non-governmental organizations, churches, universities, etc.) and other qualified individuals or institutions.

360. It is also important that the mission should be able to make on-the-spot visits, particularly to areas where urban development schemes are planned, where evictions have taken place or where housing conditions are inadequate.

361. As the mission's two objectives are to gain a more precise idea of the housing situation in Panama and to pursue a dialogue with the Government and civil society with a view to securing the best possible application of the Covenant in the area of housing, it will need to hold separate meetings with the Government, representatives of civil society and individuals personally affected by housing measures, so as to allow for a free and open dialogue.

362. A precise agenda will have to be prepared before the start of the mission, in consultation with the Government of Panama, the Centre for Human Rights, the two experts and possibly the Chairperson of the Committee, as well as with bodies representative of civil society.

Chapter VI

DAY OF GENERAL DISCUSSION

Tenth Session, 16 May 1994

The role of social safety nets as a means of protecting economic, social and cultural rights, with particular reference to situations involving major structural adjustment and/or transition to a free market economy

Introduction

363. During the past four years there had been a rising number of States parties to the Covenant that were in transition from a planned to a free-market economy and States parties that had embarked on a structural adjustment programme (SAP). Those States parties often pointed out when they presented their reports on the implementation of the rights covered by the Covenant that the full protection of economic, social and cultural rights was hampered by the effects of these SAPs or by the transition process itself.

364. The question posed was whether major structural changes in a country could be used as an excuse for the non-fulfilment of the obligations contained in the Covenant and whether there should not be some kind of minimum standard of social protection, a social safety net (SN), below which a State could not fall.

Opening remarks

365. In his opening remarks, Mr. Philip Alston, Chairperson of the Committee, explained the difficulties faced by a supervisory organ charged with the observance of human rights, in establishing the degree of flexibility that was appropriate in regard to the fulfilment of international human rights obligations by States parties. He stated that the process of transition, as a result of the progressing globalization of the economy, applied not only to the States of Eastern Europe but to most States. In order to cope with the new challenges and with a lack of alternatives, many Governments introduced SAPs.

366. Those programmes had a strong impact on human rights in general and on economic, social and cultural rights in particular. Mr. Alston underlined that there could not be a trade-off of fundamental human rights as a result of the transition process.

367. Concerning the international recognition of economic, social and cultural rights as human rights, he stated that most of the international institutions never made use of the term economic, social and cultural rights and that they continued to resist its use. Even at human rights forums such as the World Conference on Human Rights, held in Vienna in June 1993, and in the Preparatory Committee for the World Summit for Social Development to be held in Copenhagen in 1995, the fundamental concept of economic, social and cultural rights was neglected.

Main issues covered by speakers

368. The first speaker was Mr. R. van der Hoeven (ILO). He stated that technical revolution, changes in world production and labour globalization resulted in, amongst other things, a high rate of unemployment in many countries. SAPs were installed in order to cope with these changes. Mr. van der Hoeven pointed out that these programmes were only successful in countries in which (a) a broad consensus on the measures existed and (b) the possible social effects had been taken into consideration.

369. Social safety nets, as Mr. van der Hoeven pointed out, had turned out to be necessary to mitigate the adverse effects of the adjustment measures. Their purpose was to reach the poor and they had been installed in an informal ad hoc manner. They were not meant to have a strong impact on poverty alleviation in general. In answering a question from Mr. Wimer Zambrano on statistical material concerning the effects of SAPs, Mr. van der Hoeven said that statistics could be made available to the Committee but that it was difficult to separate the consequences of SAPs from the general economic development, so that the question could not be clearly answered.

370. With reference to the preceding speaker, Mr. Ariel Français (UNDP) underlined the focus on employment as being the most important topic in dealing with the "fall-out" of SAPs and said that these programmes were necessary to mitigate economic distortions. In his view, the problems of adjustment could be solved by economic growth. However, he made it clear that there was no fixed order of priorities whether rights should be implemented irrespective of economic development or as a product of the latter. In response to a question from Ms. Taya as to whether structural adjustment should be neglected because of its negative side-effects, Mr. Français emphasized that adjustment measures were a means of achieving human development.

Social funds in developing countries

371. Ms. Jessica Vivian (UNRISD) enumerated three goals of social funds, as one example of a safety net, in developing countries. These were (a) to alleviate poverty in the context of adjustment, (b) to improve the acceptance of SAPs in society and (c) to reconstitute social services. The outcome of her research so far was the following: Social funds were mostly externally financed; they were ad hoc funds; they had a "saving-the-face" component; they were male-biased; they reached only a very small proportion of the poor; they were demand-based; they suffered from a lack of impact evaluation on the side of the donor; they tended to become institutionalized; and they revived the perception of development as a "gift" rather than as a "right".

372. In addressing the first three speakers, Mr. Texier wanted to know whether the SAPs turned out to be negative only in the short or also in the long run. If so, what was the true purpose of SAPs? Mrs. Bonoan-Dandan, addressing the representative of UNRISD, asked if the funds would always be male-biased and continue to address women's issues only residually. Mr. Simma inquired whether the speakers had ever come across the Covenant in their work and whether they found it obsolete or socialistic.

Sustainable growth

373. Mr. Grant B. Taplin (IMF), stated that the Fund's main goal was to promote sustainable, high-quality growth which provided the basis for the realization of economic, social and cultural rights. As one of the four major components of growth he mentioned appropriate social policies and in particular SNs, i.e. temporary mechanisms to mitigate the adverse impact of structural adjustment on the poor and other vulnerable groups. From the Fund's point of view, SNs should be formulated within the overall resource constraints, be temporary and be as simply structured as possible.

374. Referring to previous questions put by members of the Committee, Mr. Taplin pointed out that some countries with ambitious structural adjustment policies had shown good progress. He stated that the IMF guidelines took no explicit account of the Covenant but that the Fund devoted more and more attention to social factors and poverty alleviation.

375. The discussion then hinged mainly on Mr. Taplin's statements. The chief issue revolved around the adequacy of structural adjustment as such, with regard to the possible negative consequences for society concerning employment, food allocation, health services, etc. The question was raised by Mrs. Ahodikpe as to whether the costs of SAPs were too high and Mr. Texier wondered whether people were better or worse off after a period of structural adjustment.

376. Concerning the negative effects of SAPs, Mr. Grissa requested the other members of the Committee to attack not the financial institutions but the Governments that implemented those programmes.

377. Mr. Taplin replied that the Fund's approach to development promotion was clearly economic and financial rather than one of human rights. Even if SAPs might have severe consequences in the short run, there was no reason for radically reshaping the Fund's mandate. Referring to Ms. Ahodikpe's question, he was of the opinion the costs of SAPs were not too high because without them the situation would be even worse. As long as economic factors were considered, SAPs turned out to be positive in the long run. With regard to what Mr. Grissa had said, he confirmed that the Fund did not impose SAPs on Governments but only gave advice.

Labour rights and structural adjustment programmes

378. Dr. Virginia Leary (Professor of Law, State University of New York, Buffalo), speaking on behalf of the International Labor Rights Education and Research Fund, concentrated on the second topic of the general discussion, the implementation of economic, social and cultural rights in times of structural adjustment. She said that the concept of rights was characterized, first, by an international consensus on the matter and, secondly, by a precedence over economic circumstances. She referred indirectly to doubts mentioned before, whether rights should be implemented irrespective of the economic situation or as a product of the latter.

379. Dr. Leary stated that the people who suffered most from SAPs were unable to take part in the decision-making and that thus their fundamental right of participation was violated. She stressed the fact that there had always been

a potential conflict between SAPs and labour rights in that the right to strike, to bargain or to assemble was often infringed upon. Her final comment on the aim of SAPs was that they should be designed to promote not entrepreneurs but workers.

Social safety nets relating to particular risks only

380. Mr. Roland Sigg (International Social Security Association) underlined the need to cushion the effects of SAPs but not by importing the social security models of the industrialized countries. SNs should function as a means of mitigating the worst consequences of structural adjustment measures but people considered SNs to be an inappropriate instrument for alleviating their overall situation. The national security institutions in the majority of countries had problems with funding. He therefore raised the question whether the existing systems could function better with more funding or whether a new instrument of social protection which was more local and, for instance, more women-based should be installed. Mr. Sigg finally stated that SNs could fulfil their objectives when they related to particular risks but not to general problems like retirement and unemployment.

Social safety nets as part of wider social protection policies

381. Ms. Julia Hausermann (Rights and Humanity) put the emphasis on the fact that developing countries suffered not only from structural adjustment measures but just as much from the debt burden and the fall in commodity prices. Concerning the role of SNs in the realization of economic, social and cultural rights, Ms. Hausermann stated that, first, the term "social safety nets" was not clearly defined and therefore used in various ways. With reference to the Covenant, she pointed out that it was difficult to interpret article 9 on the right to social security: Was it limited to SNs in times of extreme need or did it call for universal social insurance? Of course, universal benefits would be the ideal, but with regard to the economic constraints of States, SNs could only be a part of a wider range of social protection policies. Finally she made three recommendations to the Committee. It should (a) hold the financial institutions accountable for the protection of human rights; (b) make its position clear at the World Social Summit to be held in 1995; and (c) encourage bilateral and multilateral donors to increase their support for SNs and social protection.

Refusal of the concept of structural adjustment programmes

382. Mr. Alexander Teitelbaum (American Association of Jurists) stressed the permanent adverse effects of SAPs. He strongly rejected the concept of structural adjustment as such because it resulted in the rich becoming richer and the poor even poorer. SNs had turned out to be inappropriate in easing the negative effects of SAPs. The latter violated the rights covered by the Covenant. Mr. Teitelbaum underlined the obligation of the IMF, as a member of the United Nations system, to protect economic, social and cultural rights.

The need for a conceptual reform of structural adjustment programmes

383. In the same vein as the previous speaker, Ms. Sigrin Scogly (International Human Rights Organization for the Right to Feed Oneself (FIAN) and Habitat International Coalition (HIC)) confirmed that the financial

institutions had the obligation to follow the observance of human rights in the States to which they lent the money. They should not induce Governments to infringe upon economic rights. As a matter of fact, Ms. Scogly stated, food and housing conditions were often at a critical point in countries that had embarked on SAPs, which resulted in the abolition of food subsidies, health services, etc. SNs were, in her opinion, an inadequate means to alleviate poverty in the context of structural adjustment. Instead, a far-reaching conceptual reform of SAPs should be introduced in accordance with a new sustainable world economic order based on human rights.

Social safety nets no adequate answer to structural adjustment programmes

384. In the view of Ms. J. Brun (Ligue international des femmes pour la paix et la liberté), the primary objective of SAPs was to repay the debt. The focus on SNs as a means of alleviating adverse effects of SAPs was displaced and would even promote the false impression that they could be a substitute for far-reaching social policies. Ms. Brun observed that, while the "painful" impact of SAPs was well known, the programmes continued to be applied. She requested the members of the Committee to monitor carefully the politics of the new World Trade Organization that would be established soon.

Need for a monitoring organ

385. Mr. M. Kothari (International Human Rights Organization for the Right to Feed Oneself (FIAN) and Habitat International Coalition (HIC)) stressed the need for a monitoring body to observe the activities of the international financial institutions with regard to the implementation of economic, social and cultural rights.

Double standard of financial institutions

386. Ms. Karen Parker (Sierra Club Legal Defence Fund) confirmed the previous speakers' statements relating to the inadequacy of SNs as a means of mitigating structural adjustment effects. Likewise, she underlined that the main consequence of structural adjustment was the deterioration of the environment and the violation of human rights. In order to illustrate the double standard the financial institutions applied when recommending SAPs, she stated that in industrialized countries the share of the national budget for social services was about 60 per cent in comparison with an average of 10-20 per cent in developing countries. As a consequence, the cutting back of money for social services had a far more serious impact on living conditions in developing countries than in industrialized countries.

387. Mr. Taplin (IMF), in response to all the previous speakers, simply drew the conclusion that somebody had to pay for the minimum security measures and he asked who should do so.

388. Mr. Grissa recommended to the members of the Committee that, when discussing State reports, they should rather concentrate on long-term development and not focus on the short-term effects of SAPs.

389. Finally, Mr. Alston, Chairperson of the Committee, concluded that it had not been the aim of the general discussion to find answers to all the questions that had been raised. The objective had been to exchange views and in this regard he confirmed that it had been a fruitful and enriching debate.

Conclusions

390. In contrast to the representatives of the intergovernmental institutions (ILO, UNDP and IMF), those of the non-governmental organizations emphasized the fact that SNs did not suffice as a means of mitigating the adverse effects of SAPs. They were considered the last resort to avoid the worst consequences and not a substitute for broad social policies. The Committee was urged to hold the international financial institutions accountable for the protection of economic, social and cultural rights and to strengthen its own role as a supervisory body.

Chapter VII

REVIEW OF METHODS OF WORK OF THE COMMITTEE

A. Decisions adopted by the Committee at its tenth session

Fact Sheet

391. The Committee recalled its request made two years earlier that the *Fact Sheet* published by the Centre for Human Rights dealing with the Covenant on Economic, Social and Cultural Rights should be substantially revised and reissued on an urgent basis. This request had been agreed to at the time but no action had yet been taken. In view of the dire need for the Committee to have a general explanatory text available for those interested in learning about the Covenant and the work of the Committee, the Centre for Human Rights was requested to accord the highest possible priority to the project so that a draft would be available by the Committee's eleventh session, in November 1994.

Social Summit

392. The Committee affirmed that it attached great importance to the preparations for, and the outcome of, the World Summit for Social Development to be held in Copenhagen in March 1995. At its ninth session, the Committee held very useful discussions with the Coordinator of the Summit, Mr. Jacques Baudot, and, in the course of its tenth session, the Committee's Chairperson was invited to address an inter-agency meeting convened at Geneva to review the first draft of the Declaration and Programme of Action to be adopted by the Summit.

393. Given the extremely close links between the agenda for the Summit and the responsibilities of the Committee, it decided to send its Rapporteur, Mrs. Bonoan-Dandan, to represent it at the second Preparatory Committee meeting, to be held in New York in August 1994. It requested its Rapporteur to bring the importance of the Covenant and the roles that might be played by the Committee in the follow-up to the Summit to the attention of those participating in the Preparatory Committee session. The Committee also decided to send one of its members, to be nominated at its eleventh session, to participate in the Social Summit.

Fourth World Conference on Women: Action for Equality, Development and Peace

394. The Committee noted that the Fourth World Conference on Women would be held in Beijing in September 1995. Given the fundamental importance of the promotion of economic, social and cultural rights to the effective advancement of the status of women, the Committee decided to follow the preparations for the Conference very carefully. For this reason it requested the Secretariat to provide it, at its eleventh session, with a briefing paper on current developments in relation to preparations for the Conference, with particular emphasis on the role of economic, social and cultural rights. It decided to adopt a position paper in relation to the Conference at that session and to be represented at the Conference itself by a member to be nominated at its eleventh session.

Publication of the reports of the Committee

395. The Committee noted with regret that the report on its eighth session, held in May 1993, and its ninth session, held in November-December 1993, had not been available to it until 20 May 1994. It understood that the delay resulted from the assumption that the report did not need to be published until it was required by the Economic and Social Council. This delay was extremely inconvenient for Governments, international agencies, non-governmental organizations and others, especially at the national level, for whom the report was the only practical way of obtaining access to the work of the Committee. It therefore asked that every effort should be made to publish the Committee's annual report as soon as possible after the relevant session and not to delay publication for six months because of the timing of the Council's annual session.

Honoraria

396. The Committee noted that decision 1993/297 adopted by the Economic and Social Council on 28 July 1993 to the effect that members of the Committee should, like their counterparts in other treaty bodies, receive an honorarium for their work had not been acted upon by the General Assembly. While it had been informed that this might be due in part to an overall review by the Secretariat of the payment of honoraria, it wished to point out that its request for action on the matter already dated back several years and urged that attention should be paid to this question as soon as possible.

Coordination with the Council of Europe and the ILO Committee of Experts on the Application of Conventions and Recommendations

397. The Committee had a very useful discussion at its tenth session with a representative of the Committee of Independent Experts established pursuant to the Council of Europe's European Social Charter. The Committee noted that, to a very significant extent, the problems and challenges which it faced were similar to those faced by the Committee of Independent Experts, as well as by the ILO's Committee of Experts on the Application of Conventions and Recommendations. It believed that it would be extremely valuable, not only for purposes of mutual enlightenment but also to improve coordination and gain a better overview of the demands placed upon States and others concerned, if a meeting could be convened of representatives of the three bodies. It requested the ILO to consider hosting such a meeting at a mutually convenient time, preferably before or after a meeting of the Committee on Economic, Social and Cultural Rights, on the assumption that the travel costs and expenses of the participating experts would be met by their respective organizations.

Advisory services

398. The Committee expressed its thanks to the Secretariat for providing it, as requested, with a paper on the relationship between economic, social and cultural rights and the provision of advisory services and technical cooperation to States. Because of the late receipt of this paper and the importance of its availability in the relevant languages, the Committee decided to defer consideration of the matter to its eleventh session. It would take up the question again at that time with a view to adopting a formal

position on the issues arising from the paper and perhaps providing an indicative list of the types of project which it considered might most usefully be undertaken in order to promote economic, social and cultural rights.

Optional protocol

399. The Committee emphasized the importance it attached to the preparation and adoption of an optional protocol to the Covenant and decided to continue its work on that issue at its eleventh session on the basis of a revised paper to be submitted before that session by Mr. Philip Alston.

Day of general discussion

400. The Committee decided to hold a day of general discussion at its twelfth session (on the Monday of the third week) on general questions relating to the interpretation and application of the obligations of States parties as recognized by the Covenant.

Secretariat servicing

401. The Committee recalled that it had, for a number of years, requested the Secretary-General to increase the extent of the servicing provided to it by the Centre for Human Rights. Those requests had so far gone unheeded. The Committee continued to operate with the assistance of only a single professional - the Committee Secretary - who performed duties for other treaty bodies as well. No specific expertise in relation to economic, social and cultural rights was provided to the Committee.

402. In view of the unique responsibility borne by the Committee in relation to economic, social and cultural rights, of the particular complexity and scope of those issues, and of the Committee's heavy workload in the examination of reports, the drafting of general comments, the preparation of days of general discussion, and a wide range of other matters referred to it by the Commission on Human Rights and other United Nations organs, it urgently requested the Secretary-General to provide it with the services of a full-time expert in the field, in addition to its Secretary.

General comments

403. The Committee decided to accord the highest priority at its eleventh session to the consideration and adoption of the draft general comments on persons with disabilities and on the economic, social and cultural rights of the elderly. It requested Mrs. Jiménez Butragueño, on the basis of the consultations held at its tenth session, to provide it with a revised draft general comment on the economic, social and cultural rights of the elderly for consideration at the eleventh session.

B. Decisions adopted by the Committee at its eleventh session

Facilities for treaty body members

404. The Committee noted that when the 90 or more members of the 6 human rights treaty bodies were at Geneva for a session of their respective

committees, no facilities whatsoever were provided for them by the Centre for Human Rights. The result was that any Committee-related work done during the working day must be done in the United Nations Library, the cafeteria or the public Conference Room.

405. There was nowhere other than a public booth from which a telephone call could be made; there was nowhere that bags, papers or coats could safely be left; and there was nowhere that access could be obtained to a computer or other relevant office facilities. In view of the demands on the time of the Committee members and of the need to provide an efficient working environment, the Committee called upon the Centre for Human Rights to set aside a room to be used for that purpose whenever sessions of the different treaty bodies were meeting at Geneva. It noted that that would at least put independent expert members of the treaty bodies on the same level as interns in the Centre for Human Rights.

Resource and documentation centre

406. The Committee recalled that since the late 1980s it had been calling upon the Centre for Human Rights to develop a resource and documentation centre which would provide a basis from which the research and analysis that were indispensable to effective and accurate monitoring could be conducted. It noted with regret that, despite the endorsement of this request by successive meetings of the chairpersons of the various human rights treaty bodies, and despite repeated assurances by successive heads of the Centre for Human Rights that something would be done, the situation remained exactly as it had been five years earlier. The Committee therefore called upon the Centre to initiate urgent action designed to fill this lacuna. It requested the Assistant Secretary-General to provide it, at its twelfth session, with a clear and unequivocal statement of the measures that had been taken in that regard and of any timetable that had been established.

Computerization

407. The Committee expressed its appreciation for the briefing that it had been given by a representative of the Centre who had provided details of progress to date in terms of establishing a computer network within the Centre, links with the outside world and the development of databases. The Committee noted with deep disappointment that it had so far taken the Centre five years to begin the creation of even an elementary database containing the basic materials required by the treaty bodies. It expressed the hope that measures would be taken to achieve far more rapid progress over the coming 12 months and looked forward to receiving regular updates on progress achieved.

Preparation of a video on the work of the Committee

408. The Committee recognized the vital importance of human rights education, including the promotion of knowledge and a better understanding of the role and methods of work of the various human rights treaty bodies. It noted with regret that the statement provided to it at its eleventh session by a representative of the Department of Public Information had not identified a single activity focusing specifically and exclusively on either the Covenant on Economic, Social and Cultural Rights or on the work of the Committee.

409. In view of the pressing need to develop a better understanding of the role of the Committee and of the relevant rights, the Committee called upon the Centre for Human Rights in collaboration with the Department of Public Information to undertake the preparation of a video which would explain and illustrate those issues to the general public. The Committee would be pleased to cooperate in such an endeavour and requested the Secretariat to respond to that request at the Committee's twelfth session.

Day of general discussion

410. The Committee decided that the day of general discussion to be held at its twelfth session, on Monday 15 May 1995, would focus on the interpretation and practical application of the obligations incumbent upon States parties to the Covenant. That focus was partly designed to assist the new members of the Committee and partly to provide an opportunity for the Committee as a whole to discuss the most appropriate and effective ways of promoting compliance by States parties with their obligations.

General comments

411. The Committee decided that at its twelfth session it would give priority to ensuring the completion and adoption of its draft general comment on the rights of older persons.

Country-specific information from United Nations sources

412. The Committee attached major importance to obtaining full and regular access to all information of direct relevance to its mandate and which might be available from the principal United Nations bodies and agencies. It therefore requested its Chairperson to correspond with the relevant bodies, and particularly UNDP, UNICEF and the World Bank, with a view to requesting them to make available to it on a regular basis their reports on the situation of economic, social and cultural rights relating to each country whose report was being considered by the Committee at each of its sessions.

Timely publication of the Committee's annual report

413. The Committee noted that in the past its report, although adopted and completed in December, had not been published until May or June of the following year. It appeared that this delay was caused by an assumption on the part of the Secretariat in New York that the report was not required until the session of the Economic and Social Council at which it was to be considered. The Committee regretted that delay which inconvenienced States parties, members of the Committee, other United Nations human rights bodies, non-governmental organizations and the general public. Accordingly, it called upon the relevant authorities to do their utmost to ensure rapid publication of the report as soon as it was received from Geneva.

Advisory services

414. The Committee expressed its appreciation to the Centre for Human Rights for the paper which it had prepared at the Committee's request detailing "Activities undertaken so far within the Advisory Services Programme and proposals for the type of assistance that can be envisaged for the realization

of economic, social and cultural rights" (E/C.12/1994/WP.9). It also greatly appreciated the frank and constructive discussion it had been able to have with a representative of the Centre.

415. The Committee considered that while economic, social and cultural rights had been included in a number of the activities undertaken within the Advisory Services Programme, it was not possible to identify any single initiative which had focused exclusively or in any significant depth on those rights. It wished to emphasize that the consideration of issues relating to economic, social and cultural rights within a genuine human rights framework required much more than a traditional analysis of the factual situation relating, for example, to nutrition, literacy or health care. What was required was a clear emphasis upon the obligations contained in the Covenant on Economic, Social and Cultural Rights, the identification of appropriate benchmarks in the State concerned for the realization of those rights, and the identification of appropriate means of monitoring and vindication of the rights in question. In the absence of those elements, an analysis of what purported to be the economic and social rights situation of a country was highly unlikely to add anything to the work carried out by development agencies such as UNDP and the World Bank, whose work was not based upon a human rights framework, as the Advisory Services Programme must be.

416. The Committee therefore called upon the Centre for Human Rights to identify specific activities which it might undertake in an endeavour to give appropriate attention to economic, social and cultural rights in the Advisory Services Programme in the future. Once this had been done, the Centre was requested to inform States specifically as to the specialist services which should be provided in this field. The Committee noted that, in the continuing absence of any expert in this area within the Centre, the likelihood of effective specialist programmes being developed was not great.

417. In terms of training and related activities, the Committee reiterated its view that those were usually best undertaken at the national or subregional level rather than on a regional or global basis. The Committee also emphasized the importance of ensuring the participation of individuals who were best placed to make effective use of the training provided.

Chapter VIII

ADOPTION OF THE REPORT

418. At its 53rd, 55th and 56th meetings, on 7, 8 and 9 December 1994, the Committee considered its draft report to the Economic and Social Council on the work of its tenth and eleventh sessions (E/C.12/1994/CRP.1 and Add.1-7 and E/C.12/1994/CRP.2 and Add.1-5). The Committee adopted the report as amended in the course of the discussion.

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as of 9 December 1994)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)					
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (Pending consideration)					
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (Pending consideration) (E/C.12/1994/SR.31, 32, 35, 36, 37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)			
6. Armenia	13 December 1993	Arts. 1-15, due on 30 June 1995					
7. Australia*	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (Pending consideration) (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (Pending consideration) (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus*	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)					
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Arts. 1-15, due on 30 June 1995					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria*	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	Overdue
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue			
21. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
22. Cape Verde	6 November 1993	Arts. 1-15, due on 30 June 1995					
23. Central African Republic	8 August 1981	Overdue					
24. Chile*	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
25. Colombia**	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
26. Congo	5 January 1984	Overdue					
27. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
28. Côte d'Ivoire	26 June 1992	Overdue					
29. Croatia	8 October 1991	Overdue					
30. Cyprus*	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	Overdue
31. Czech Republic	1 January 1993	Arts. 1-15, due on 30 June 1995					
32. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
33. Denmark*	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	Overdue
34. Dominica	17 September 1993	Arts. 1-15, due on 30 June 1995					
35. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			Overdue		
36. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
37. Egypt	14 April 1982	Overdue					
38. El Salvador	29 February 1980	Overdue					
39. Equatorial Guinea	25 December 1987	Overdue					
40. Estonia	21 January 1992	Overdue					
41. Ethiopia	11 September 1993	Arts. 1-15, due on 30 June 1995					
42. Finland*	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
43. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
44. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
45. Gambia	29 March 1979	Overdue					
46. Georgia	3 August 1994	Due on 30 June 1996					
47. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
48. Greece	16 August 1985	Overdue					
49. Grenada	6 December 1991	Overdue					
50. Guatemala	19 August 1988	Overdue					
51. Guinea	24 April 1978	Overdue					
52. Guinea-Bissau	2 October 1992	Overdue					
53. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
54. Honduras	17 May 1981	Overdue					
55. Hungary*	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
56. Iceland	22 November 1979	E/1990/5/Add.6, (E/C.12/1993/SR.30, 31 and 46) E/1990/5/Add.14					
57. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
58. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)			
59. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)	Overdue	E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
60. Ireland	8 March 1990	Overdue					
61. Israel	3 January 1982	Overdue					
62. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
63. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
64. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
65. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32)	Overdue		
66. Kenya	3 January 1976	E/1990/5/Add.17 (Pending consideration)					
67. Latvia	14 July 1992	Overdue					
68. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)					
69. Lesotho	9 December 1992	Overdue					
70. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)			
71. Lithuania	20 February 1992	Overdue					
72. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
73. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
74. Malawi	22 March 1994	Due on 30 June 1996					
75. Mali	3 January 1976	Overdue					
76. Malta	13 December 1990	Overdue					
77. Mauritius	3 January 1976	E/1990/5/Add.21 (Pending consideration)					
78. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
79. Mongolia*	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
80. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)					
81. Nepal	14 August 1991	Overdue					
82. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	Overdue	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
83. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24, 25, 26 and 40)					
84. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)			
85. Niger	7 June 1986	Overdue					
86. Nigeria	29 October 1993	Arts. 1-15, due on 30 June 1995					
87. Norway**	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
88. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
89. Paraguay	10 September 1992	E/1990/5/Add.23 (Pending consideration)					
90. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	Overdue	Overdue			
91. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (Pending consideration)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
92. Poland*	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
93. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (Pending consideration)		
94. Republic of Korea	10 July 1990	E/1990/5/Add.19 (Pending consideration)					
95. Republic of Moldova	26 March 1993	Arts. 1-15, due on 30 June 1995					
96. Romania*	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
97. Russian Federation*	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
98. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
99. Saint Vincent and the Grenadines	9 February 1982	Overdue					
100. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
101. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)			
102. Seychelles	5 August 1992	Overdue					
103. Slovakia	28 May 1993	Arts. 1-15, due on 30 June 1995					
104. Slovenia	6 July 1992	Overdue					
105. Solomon Islands	17 March 1982	Overdue					
106. Somalia	24 April 1990	Overdue					
107. Spain**	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
108. Sri Lanka	11 September 1980	Overdue					
109. Sudan	18 June 1986	Overdue					
110. Suriname	28 March 1977	E/1990/5/Add.20 (Pending consideration)					
111. Sweden**	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
112. Switzerland	18 September 1992	Overdue					
113. Syrian Arab Republic*	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
114. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
115. Togo	24 August 1984	Overdue					
116. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Overdue		
117. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)	Overdue			
118. Uganda	21 April 1987	Overdue					
119. Ukraine**	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
120. United Kingdom of Great Britain and Northern Ireland*	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 (Pending consideration) (E/C.12/1994/ SR.33, 34, 36 and 37)	E/1990/7/Add.16 (Pending consideration) (E/C.12/1994/ SR.33, 34, 36 and 37)
121. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1980/WG.1/ SR.5)	Overdue			

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
122. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)					
123. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	Overdue		
124. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)					
125. Yemen	9 May 1987	Overdue					
126. Federal Republic of Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
127. Zaire	1 February 1977	E/1984/6/Add.18 (E/C.12/1988/SR.16-19)	E/1986/3/Add.7	E/1982/3/Add.41	Overdue		
128. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
129. Zimbabwe	13 August 1991	Overdue					

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* Third periodic report which was due on 30 June 1994, has not yet been received.

** Third periodic report of Colombia was received on 20 July 1994 (E/1994/104/Add.2); third periodic report of Sweden was received on 22 June 1994 (E/1994/104/Add.1); third periodic report of Norway was received on 3 August 1994 (E/1994/104/Add.3); third periodic report of Ukraine was received on 19 September 1994 (E/1994/104/Add.4); third periodic report of Spain was received on 18 November 1994 (E/1994/104/Add.5).

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mrs. Madoe Virginie AHODIKEPE	Togo	1996
Mr. Philip ALSTON	Australia	1994
Mr. Juan ALVAREZ VITA	Peru	1996
Mr. Abdel Halim BADAWI	Egypt	1994
Mrs. Virginia BONOAN-DANDAN	Philippines	1994
Mr. Dumitru CEAUSU	Romania	1996
Mr. Abdessatar GRISSA	Tunisia	1996
Mrs. Luvsandanzangiin IDER	Mongolia	1994
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	1996
Mr. Valeri KOUZNETSOV	Russian Federation	1994
Mr. Jaime MARCHAN ROMERO	Ecuador	1994
Mr. Alexandre MUTERAHEJURU	Rwanda	1994
Mr. Kenneth Osborne RATTRAY	Jamaica	1996
Mr. Bruno SIMMA	Germany	1994
Ms. Chikako TAYA	Japan	1996
Mr. Philippe TEXIER	France	1996
Mrs. Margerita VYSOKAJOVA	Czech Republic	1996
Mr. Javier WIMER ZAMBRANO	Mexico	1994

Annex III

A. AGENDA OF THE TENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2-20 May 1994)

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion on the role of social safety nets as a means of protecting economic, social and cultural rights with particular reference to situations involving major structural adjustment and/or the transition to a free market economy.

6. Relations with United Nations organs and other treaty bodies.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

B. AGENDA OF THE ELEVENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (21 November-9 December 1994)

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion on human rights education and public information activities relating to the Covenant.

6. Relations with United Nations organs and other treaty bodies.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Report of the Committee to the Economic and Social Council.

Annex IV

GENERAL COMMENT No. 5 (1994)*

Persons with disabilities

1. The central importance of the International Covenant on Economic, Social and Cultural Rights in relation to the human rights of persons with disabilities has frequently been underlined by the international community. 1/ Thus a 1992 review by the Secretary-General of the implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons concluded that "disability is closely linked to economic and social factors" and that "conditions of living in large parts of the world are so desperate that the provision of basic needs for all - food, water, shelter, health protection and education - must form the cornerstone of national programmes". 2/ Even in countries which have a relatively high standard of living, persons with disabilities are very often denied the opportunity to enjoy the full range of economic, social and cultural rights recognized in the Covenant.

2. The Committee on Economic, Social and Cultural Rights, and the working group which preceded it, have been explicitly called upon by both the General Assembly 3/ and the Commission on Human Rights 4/ to monitor the compliance of States parties to the Covenant with their obligation to ensure the full enjoyment of the relevant rights by persons with disabilities. The Committee's experience to date, however, indicates that States parties have devoted very little attention to this issue in their reports. This appears to be consistent with the Secretary-General's conclusion that "most Governments still lack decisive concerted measures that would effectively improve the situation" of persons with disabilities. 5/ It is therefore appropriate to review, and emphasize, some of the ways in which issues concerning persons with disabilities arise in connection with the obligations contained in the Covenant.

3. There is still no internationally accepted definition of the term "disability". For present purposes, however, it is sufficient to rely on the approach adopted in the Standard Rules of 1993, which state:

> "The term 'disability' summarizes a great number of different functional limitations occurring in any population ... People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature." 6/

4. In accordance with the approach adopted in the Standard Rules, this General Comment uses the term "persons with disabilities" rather than the older term "disabled persons". It has been suggested that the latter term might be misinterpreted to imply that the ability of the individual to function as a person has been disabled.

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* Adopted at the eleventh session, 38th meeting, on 25 November 1994.

5. The Covenant does not refer explicitly to persons with disabilities. Nevertheless, the Universal Declaration of Human Rights recognizes that all human beings are born free and equal in dignity and rights and, since the Covenant's provisions apply fully to all members of society, persons with disabilities are clearly entitled to the full range of rights recognized in the Covenant. In addition, in so far as special treatment is necessary, States parties are required to take appropriate measures, to the maximum extent of their available resources, to enable such persons to seek to overcome any disadvantages, in terms of the enjoyment of the rights specified in the Covenant, flowing from their disability. Moreover, the requirement contained in article 2 (2) of the Covenant that the rights "enunciated ... will be exercised without discrimination of any kind" based on certain specified grounds "or other status" clearly applies to discrimination on the grounds of disability.

6. The absence of an explicit, disability-related provision in the Covenant can be attributed to the lack of awareness of the importance of addressing this issue explicitly, rather than only by implication, at the time of the drafting of the Covenant over a quarter of a century ago. More recent international human rights instruments have, however, addressed the issue specifically. They include the Convention on the Rights of the Child (art. 23); the African Charter on Human and Peoples' Rights (art. 18 (4)); and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (art. 18). Thus it is now very widely accepted that the human rights of persons with disabilities must be protected and promoted through general, as well as specially designed, laws, policies and programmes.

7. In accordance with this approach, the international community has affirmed its commitment to ensuring the full range of human rights for persons with disabilities in the following instruments: (a) the World Programme of Action concerning Disabled Persons, which provides a policy framework aimed at promoting "effective measures for prevention of disability, rehabilitation and the realization of the goals of 'full participation' of [persons with disabilities] in social life and development, and of 'equality'"; 7/ (b) the Guidelines for the Establishment and Development of National Coordinating Committees on Disability or Similar Bodies, adopted in 1990; 8/ (c) the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted in 1991; 9/ (d) the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (hereinafter referred to as the "Standard Rules"), adopted in 1993, the purpose of which is to ensure that all persons with disabilities "may exercise the same rights and obligations as others". 10/ The Standard Rules are of major importance and constitute a particularly valuable reference guide in identifying more precisely the relevant obligations of States parties under the Covenant.

I. GENERAL OBLIGATIONS OF STATES PARTIES

8. The United Nations has estimated that there are more than 500 million persons with disabilities in the world today. Of that number, 80 per cent live in rural areas in developing countries. Seventy per cent of the total are estimated to have either limited or no access to the services they need. The challenge of improving the situation of persons with disabilities is thus

of direct relevance to every State party to the Covenant. While the means chosen to promote the full realization of the economic, social and cultural rights of this group will inevitably differ significantly from one country to another, there is no country in which a major policy and programme effort is not required. 11/

9. The obligation of States parties to the Covenant to promote progressive realization of the relevant rights to the maximum of their available resources clearly requires Governments to do much more than merely abstain from taking measures which might have a negative impact on persons with disabilities. The obligation in the case of such a vulnerable and disadvantaged group is to take positive action to reduce structural disadvantages and to give appropriate preferential treatment to people with disabilities in order to achieve the objectives of full participation and equality within society for all persons with disabilities. This almost invariably means that additional resources will need to be made available for this purpose and that a wide range of specially tailored measures will be required.

10. According to a report by the Secretary-General, developments over the past decade in both developed and developing countries have been especially unfavourable from the perspective of persons with disabilities:

> "... current economic and social deterioration, marked by low-growth rates, high unemployment, reduced public expenditure, current structural adjustment programmes and privatization, have negatively affected programmes and services ... If the present negative trends continue, there is the risk that [persons with disabilities] may increasingly be relegated to the margins of society, dependent on ad hoc support." 12/

As the Committee has previously observed (General Comment No. 3 (Fifth session, 1990), para. 12), the duty of States parties to protect the vulnerable members of their societies assumes greater rather than less importance in times of severe resource constraints.

11. Given the increasing commitment of Governments around the world to market-based policies, it is appropriate in that context to emphasize certain aspects of States parties' obligations. One is the need to ensure that not only the public sphere, but also the private sphere, are, within appropriate limits, subject to regulation to ensure the equitable treatment of persons with disabilities. In a context in which arrangements for the provision of public services are increasingly being privatized and in which the free market is being relied on to an ever greater extent, it is essential that private employers, private suppliers of goods and services, and other non-public entities should be subject to both non-discrimination and equality norms in relation to persons with disabilities. In circumstances where such protection does not extend beyond the public domain, the ability of persons with disabilities to participate in the mainstream of community activities and to realize their full potential as active members of society will be severely and often arbitrarily constrained. This is not to imply that legislative measures will always be the most effective means of seeking to eliminate discrimination within the private sphere. Thus, for example, the Standard Rules place particular emphasis on the need for States to "take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution". 13/

12. In the absence of government intervention there will always be instances in which the operation of the free market will produce unsatisfactory results for persons with disabilities, either individually or as a group, and in such circumstances it is incumbent on Governments to step in and take appropriate measures to temper, complement, compensate for, or override the results produced by market forces. Similarly, while it is appropriate for Governments to rely on private voluntary groups to assist persons with disabilities in various ways, such arrangements can never absolve Governments from their duty to ensure full compliance with their obligations under the Covenant. As the World Programme of Action concerning Disabled Persons states, "the ultimate responsibility for remedying the conditions that lead to impairment and for dealing with the consequences of disability rests with Governments". 14/

II. MEANS OF IMPLEMENTATION

13. The methods to be used by States parties in seeking to implement their obligations under the Covenant towards persons with disabilities are essentially the same as those available in relation to other obligations (see General Comment No. 1 (Third session, 1989)). They include the need to ascertain, through regular monitoring, the nature and scope of the problems existing within the State; the need to adopt appropriately tailored policies and programmes to respond to the requirements thus identified; the need to legislate where necessary and to eliminate any existing discriminatory legislation; and the need to make appropriate budgetary provisions or, where necessary, seek international cooperation and assistance. In the latter respect, international cooperation in accordance with articles 22 and 23 of the Covenant is likely to be a particularly important element in enabling some developing countries to fulfil their obligations under the Covenant.

14. In addition, it has been consistently acknowledged by the international community that policy-making and programme implementation in this area should be undertaken on the basis of close consultation with, and involvement of, representative groups of the persons concerned. For this reason, the Standard Rules recommend that everything possible be done to facilitate the establishment of national coordinating committees, or similar bodies, to serve as a national focal point on disability matters. In doing so, Governments should take account of the 1990 Guidelines for the Establishment and Development of National Coordinating Committees on Disability or Similar Bodies. 8/

III. THE OBLIGATION TO ELIMINATE DISCRIMINATION ON THE GROUNDS OF DISABILITY

15. Both de jure and de facto discrimination against persons with disabilities have a long history and take various forms. They range from invidious discrimination, such as the denial of educational opportunities, to more "subtle" forms of discrimination such as segregation and isolation achieved through the imposition of physical and social barriers. For the purposes of the Covenant, "disability-based discrimination" may be defined as including any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights. Through neglect, ignorance, prejudice and false assumptions, as well as through exclusion, distinction or separation, persons

with disabilities have very often been prevented from exercising their economic, social or cultural rights on an equal basis with persons without disabilities. The effects of disability-based discrimination have been particularly severe in the fields of education, employment, housing, transport, cultural life, and access to public places and services.

16. Despite some progress in terms of legislation over the past decade, 15/ the legal situation of persons with disabilities remains precarious. In order to remedy past and present discrimination, and to deter future discrimination, comprehensive anti-discrimination legislation in relation to disability would seem to be indispensable in virtually all States parties. Such legislation should not only provide persons with disabilities with judicial remedies as far as possible and appropriate, but also provide for social-policy programmes which enable persons with disabilities to live an integrated, self-determined and independent life.

17. Anti-discrimination measures should be based on the principle of equal rights for persons with disabilities and the non-disabled, which, in the words of the World Programme of Action concerning Disabled Persons, "implies that the needs of each and every individual are of equal importance, that these needs must be made the basis for the planning of societies, and that all resources must be employed in such a way as to ensure, for every individual, equal opportunity for participation. Disability policies should ensure the access of [persons with disabilities] to all community services". 16/

18. Because appropriate measures need to be taken to undo existing discrimination and to establish equitable opportunities for persons with disabilities, such actions should not be considered discriminatory in the sense of article 2 (2) of the International Covenant on Economic, Social and Cultural Rights as long as they are based on the principle of equality and are employed only to the extent necessary to achieve that objective.

IV. SPECIFIC PROVISIONS OF THE COVENANT

A. Article 3 - Equal rights for men and women

19. Persons with disabilities are sometimes treated as genderless human beings. As a result, the double discrimination suffered by women with disabilities is often neglected. 17/ Despite frequent calls by the international community for particular emphasis to be placed upon their situation, very few efforts have been undertaken during the Decade. The neglect of women with disabilities is mentioned several times in the report of the Secretary-General on the implementation of the World Programme of Action. 18/ The Committee therefore urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.

B. Articles 6-8 - Rights relating to work

20. The field of employment is one in which disability-based discrimination has been prominent and persistent. In most countries the unemployment rate among persons with disabilities is two to three times higher than the unemployment rate for persons without disabilities. Where persons with

disabilities are employed, they are mostly engaged in low-paid jobs with little social and legal security and are often segregated from the mainstream of the labour market. The integration of persons with disabilities into the regular labour market should be actively supported by States.

21. The "right of everyone to the opportunity to gain his living by work which he freely chooses or accepts" (art. 6 (1)) is not realized where the only real opportunity open to disabled workers is to work in so-called "sheltered" facilities under substandard conditions. Arrangements whereby persons with a certain category of disability are effectively confined to certain occupations or to the production of certain goods may violate this right. Similarly, in the light of principle 13 (3) of the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, 9/ "therapeutical treatment" in institutions which amounts to forced labour is also incompatible with the Covenant. In this regard, the prohibition on forced labour contained in the International Covenant on Civil and Political Rights is also of potential relevance.

22. According to the Standard Rules, persons with disabilities, whether in rural or urban areas, must have equal opportunities for productive and gainful employment in the labour market. 19/ For this to happen it is particularly important that artificial barriers to integration in general, and to employment in particular, should be removed. As the International Labour Organization has noted, it is very often the physical barriers that society has erected in areas such as transport, housing and the workplace which are then cited as the reason why persons with disabilities cannot be employed. 20/ For example, as long as workplaces are designed and built in ways that make them inaccessible to wheelchairs, employers will be able to "justify" their failure to employ wheelchair users. Governments should also develop policies which promote and regulate flexible and alternative work arrangements that reasonably accommodate the needs of disabled workers.

23. Similarly, the failure of Governments to ensure that modes of transportation are accessible to persons with disabilities greatly reduces the chances of such persons finding suitable, integrated jobs, taking advantage of educational and vocational training, or commuting to facilities of all types. Indeed, the provision of access to appropriate and, where necessary, specially tailored forms of transportation is crucial to the realization by persons with disabilities of virtually all the rights recognized in the Covenant.

24. The "technical and vocational guidance and training programmes" required under article 6 (2) of the Covenant should reflect the needs of all persons with disabilities, take place in integrated settings, and be planned and implemented with the full involvement of representatives of persons with disabilities.

25. The right to "the enjoyment of just and favourable conditions of work" (art. 7) applies to all disabled workers, whether they work in sheltered facilities or in the open labour market. Disabled workers may not be discriminated against with respect to wages or other conditions if their work is equal to that of non-disabled workers. States parties have a responsibility to ensure that disability is not used as an excuse for creating low standards of labour protection or for paying below minimum wages.

26. Trade union-related rights (art. 8) apply equally to workers with disabilities and regardless of whether they work in special work facilities or in the open labour market. In addition, article 8, read in conjunction with other rights such as the right to freedom of association, serves to emphasize the importance of the right of persons with disabilities to form their own organizations. If these organizations are to be effective in "the promotion and protection of [the] economic and social interests" (art. 8 (1) (a)) of such persons, they should be consulted regularly by government bodies and others in relation to all matters affecting them; it may also be necessary that they be supported financially and otherwise so as to ensure their viability.

27. The International Labour Organization has developed valuable and comprehensive instruments with respect to the work-related rights of persons with disabilities, including in particular Convention No. 159 (1983) concerning vocational rehabilitation and employment of persons with disabilities. 21/ The Committee encourages States parties to the Covenant to consider ratifying that Convention.

C. Article 9 - Social security

28. Social security and income-maintenance schemes are of particular importance for persons with disabilities. As stated in the Standard Rules, "States should ensure the provision of adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost or received a reduction in their income or have been denied employment opportunities". 22/ Such support should reflect the special needs for assistance and other expenses often associated with disability. In addition, as far as possible, the support provided should also cover individuals (who are overwhelmingly female) who undertake the care of a person with disabilities. Such persons, including members of the families of persons with disabilities, are often in urgent need of financial support because of their assistance role. 23/

29. Institutionalization of persons with disabilities, unless rendered necessary for other reasons, cannot be regarded as an adequate substitute for the social security and income-support rights of such persons.

D. Article 10 - Protection of the family and of mothers and children

30. In the case of persons with disabilities, the Covenant's requirement that "protection and assistance" should be rendered to the family means that everything possible should be done to enable such persons, when they so wish, to live with their families. Article 10 also implies, subject to the general principles of international human rights law, the right of persons with disabilities to marry and have their own family. These rights are frequently ignored or denied, especially in the case of persons with mental disabilities. 24/ In this and other contexts, the term "family" should be interpreted broadly and in accordance with appropriate local usage. States parties should ensure that laws and social policies and practices do not impede the realization of these rights. Persons with disabilities should have access to necessary counselling services in order to fulfil their rights and duties within the family. 25/

31. Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy. As the Standard Rules state, "persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood". 26/ The needs and desires in question should be recognized and addressed in both the recreational and the procreational contexts. These rights are commonly denied to both men and women with disabilities worldwide. 27/ Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).

32. Children with disabilities are especially vulnerable to exploitation, abuse and neglect and are, in accordance with article 10 (3) of the Covenant (reinforced by the corresponding provisions of the Convention on the Rights of the Child), entitled to special protection.

E. Article 11 - The right to an adequate standard of living

33. In addition to the need to ensure that persons with disabilities have access to adequate food, accessible housing and other basic material needs, it is also necessary to ensure that "support services, including assistive devices" are available "for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights". 28/ The right to adequate clothing also assumes a special significance in the context of persons with disabilities who have particular clothing needs, so as to enable them to function fully and effectively in society. Wherever possible, appropriate personal assistance should also be provided in this connection. Such assistance should be undertaken in a manner and spirit which fully respect the human rights of the person(s) concerned. Similarly, as already noted by the Committee in paragraph 8 of General Comment No. 4 (Sixth session, 1991), the right to adequate housing includes the right to accessible housing for persons with disabilities.

F. Article 12 - The right to physical and mental health

34. According to the Standard Rules, "States should ensure that persons with disabilities, particularly infants and children, are provided with the same level of medical care within the same system as other members of society". 29/ The right to physical and mental health also implies the right to have access to, and to benefit from, those medical and social services - including orthopaedic devices - which enable persons with disabilities to become independent, prevent further disabilities and support their social integration. 30/ Similarly, such persons should be provided with rehabilitation services which would enable them "to reach and sustain their optimum level of independence and functioning". 31/ All such services should be provided in such a way that the persons concerned are able to maintain full respect for their rights and dignity.

G. Articles 13 and 14 - The right to education

35. School programmes in many countries today recognize that persons with disabilities can best be educated within the general education system. 32/ Thus the Standard Rules provide that "States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children,

youth and adults with disabilities, in integrated settings". 33/ In order to implement such an approach, States should ensure that teachers are trained to educate children with disabilities within regular schools and that the necessary equipment and support are available to bring persons with disabilities up to the same level of education as their non-disabled peers. In the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment.

H. Article 15 - The right to take part in cultural life and enjoy the benefits of scientific progress

36. The Standard Rules provide that "States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, be they in urban or rural areas. ... States should promote the accessibility to and availability of places for cultural performances and services ...". 34/ The same applies to places for recreation, sports and tourism.

37. The right to full participation in cultural and recreational life for persons with disabilities further requires that communication barriers be eliminated to the greatest extent possible. Useful measures in this regard might include "the use of talking books, papers written in simple language and with clear format and colours for persons with mental disability, [and] adapted television and theatre for deaf persons". 35/

38. In order to facilitate the equal participation in cultural life of persons with disabilities, Governments should inform and educate the general public about disability. In particular, measures must be taken to dispel prejudices or superstitious beliefs against persons with disabilities, for example those that view epilepsy as a form of spirit possession or a child with disabilities as a form of punishment visited upon the family. Similarly, the general public should be educated to accept that persons with disabilities have as much right as any other person to make use of restaurants, hotels, recreation centres and cultural venues.

Notes

1/ For a comprehensive review of the question, see the final report prepared by Mr. Leandro Despouy, Special Rapporteur on human rights and disability (E/CN.4/Sub.2/1991/31).

2/ A/47/415, para. 5.

3/ See General Assembly resolution 37/52 of 3 December 1982, by which the Assembly adopted the World Programme of Action concerning Disabled Persons. See also A/37/351/Add.1 and Corr.1, chapter VIII.

4/ See Commission on Human Rights resolutions 1992/48, para. 4, and 1993/29, para. 7.

5/ A/47/415, para. 6.

6/ General Assembly resolution 48/96 of 20 December 1993, annex, Introduction, para. 17.

7/ World Programme of Action concerning Disabled Persons, see A/37/351/Add.1 and Corr.1, chapter VIII, para. 1.

8/ A/C.3/46/4, annex I. See also the Report on the International Meeting on the Roles and Functions of National Coordinating Committees on Disability in Developing Countries, Beijing, 5-11 November 1990 (CSDHA/DDP/NDC/4). See also Economic and Social Council resolution 1991/8 and General Assembly resolution 46/96 of 16 December 1991.

9/ General Assembly resolution 46/119 of 17 December 1991, annex.

10/ See note 6 above, Introduction, para. 15.

11/ A/47/415, *passim*.

12/ Ibid., para. 5.

13/ See note 6 above, Rule 1.

14/ See note 7 above, para. 3.

15/ A/47/415, paras. 37-38.

16/ See note 7 above, para. 25.

17/ See note 1 above, para. 140.

18/ A/47/415, paras. 35, 46, 74 and 77.

19/ See note 6 above, Rule 7.

20/ See A/CONF.157/PC/61/Add.10, p. 12.

21/ See also Recommendation No. 99 (1955) concerning vocational rehabilitation of the disabled, and Recommendation No. 168 (1983) concerning vocational rehabilitation of persons with disabilities.

22/ See note 6 above, Rule 8, para. 1.

23/ A/47/415, para. 78.

24/ See note 1 above, paras. 190 and 193.

25/ See note 7 above, para. 74.

26/ See note 6 above, Rule 9, para. 2.

27/ E/CN.6/1991/2, paras. 14 and 59-68.

28/ See note 6 above, Rule 4.

29/ Ibid., Rule 2, para. 3.

30/ See the Declaration on the Rights of Disabled Persons (General Assembly resolution 3447 (XXX) of 9 December 1975), para. 6. See also note 7 above, paras. 97-107.

31/ See note 6 above, Rule 3.

32/ A/47/415, para. 73.

33/ See note 6 above, Rule 6.

34/ Ibid., Rule 10, paras. 1 and 2.

35/ A/47/415, para. 79.

Annex V

THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Statement of the Committee on Economic, Social and Cultural Rights (tenth session)

1. In March 1995 the World Summit for Social Development will be held in Copenhagen. This will follow both the World Conference on Human Rights in Vienna in June 1993 and the International Conference on Population and Development in Cairo in September 1994. It will precede the fourth International Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in September 1995, and the second Habitat Conference on Human Settlements to be held in Istanbul in 1996. In all these contexts the question of economic and social human rights is of major importance, but it is in relation to the Social Summit that the link is of the most fundamental importance.

2. A large proportion of the issues on the Social Summit's agenda falls squarely within the domain of economic, social and cultural rights recognized in general terms in the Universal Declaration of Human Rights in 1948 and more specifically in the International Covenant on Economic, Social and Cultural Rights, of 1966. The challenges facing the Summit are of both a normative and procedural character. The normative dimension involves the identification and articulation of the "principles, goals, policy orientations and common challenges" of social development policy at all levels. The procedural dimension involves issues of "implementation and follow-up".

3. In relation to each of these dimensions the relevance of the Covenant is immediate and direct. Its neglect will have significant adverse consequences both from the viewpoint of the international human rights regime and of that of the evolving approach to social development. The exclusion or marginalization of the Covenant will signal the continuing separation of human rights and social development issues, in complete contradiction to the oft-recognized need for an integrated approach. Similarly, neglect of the implementation and monitoring mechanism established under the Covenant will risk a futile proliferation of ineffectual approaches to implementation at the expense of working towards ensuring the effectiveness of those that already exist.

4. The first session of the Preparatory Committee for the Summit discussed various approaches to, and the possible content of, a draft declaration and a draft programme of action. In the list of "elements mentioned for a draft Declaration", which is annexed to the report of the first session, reference is made to virtually every objective recognized in the International Covenant on Economic, Social and Cultural Rights. However, the Covenant itself is never referred to and most of the relevant objectives are characterized not as "human rights" but as mere goals or principles. One pertinent example, among many that could be given, is the reference in the list to the "new concept of 'human security'", according to which "the personal security of individuals and communities, based on sufficient income, education, health and housing should be given priority". The same paragraph urges that "social development must be considered a right ...". But there is no mention of the fact that

development is already recognized as a human right or of the fact that each and every one of the component parts of this "new concept" has long been recognized in the Covenant as a human right.

5. Factors such as the reduced role being played by the State in a great many societies, an increasing emphasis on policies of deregulation and privatization, a markedly greater reliance on free market mechanisms, and the globalization of an ever larger part of all national economies, have all combined to challenge many of the assumptions on which social policy-makers have previously operated. Indeed, it is increasingly clear that, as a result of these changes, many of the specific policy approaches endorsed by the international community in the past 30 years or so have been called into question and in some cases even rendered obsolete or invalid. But it is precisely at a time of such rapid and unpredictable change in a truly global economy that it is essential to reaffirm the fundamental values of social justice which must guide policy-making at all levels. This is clearly recognized in the mandate given to the Summit and in the contributions made by the principal participants.

6. Thus, the first question before the Summit is what those values are and how they can most effectively be reaffirmed. This involves two aspects: the recognition of fundamental norms and the identification of specific principles and policy approaches designed to give content and effect to those norms. In relation to the first aspect, it is imperative that the starting point should be the International Covenant on Economic, Social and Cultural Rights and each of the specific rights recognized therein. There are several compelling reasons which support this approach:

- The Covenant has now been ratified or acceded to by some 130 States;

- The great majority of the world's Governments have thus voluntarily accepted a range of binding legal obligations in relation to the promotion of economic, social and cultural rights;

- Those Governments are also legally required to report regularly to an international monitoring body whose responsibility is to monitor their compliance with the obligations they have undertaken; and

- The obligations themselves are stated in broad normative terms and it is for the international community and States themselves to develop further the details of the specific obligations which flow from each of the rights (just as concepts such as a "fair trial", "due process", "arbitrariness" and "inhuman treatment" have been given reasonably precise and widely accepted content in other human rights contexts).

7. Before considering the question of implementation and follow-up, it is appropriate to ask why the Covenant has been largely neglected to date in the social development context and why this neglect should now be reversed. The first reason relates to the element of political controversy that surrounded early efforts, especially of a bilateral nature, to promote respect for human rights. These efforts often placed little reliance upon internationally accepted standards and appropriate international procedures and tended to

display a greatly exaggerated faith in the effectiveness of sanctions. The second reason is that international human rights treaty obligations had, up until only a decade or so ago, been accepted only by a minority of States Members of the United Nations. Today, 150 States are parties to the Convention on the Rights of the Child alone and more than 170 States have ratified or acceded to one or more of the basic core international human rights treaties. The third reason relates to the influence of the Cold War which situated much of the general human rights debate in a context of ideological controversy. This affected economic, social and cultural rights in particular, since these were often portrayed falsely as being solely the concern of either the Communist countries or a handful of developing countries.

8. Thus, the reasons which led to an overwhelming reluctance to refer specifically to human rights obligations in the various development decade strategies, as well as in various other contexts relating to social development, are no longer valid. Instead, the commitments contained in the Declaration and Programme of Action of the Vienna World Conference on Human Rights and in a range of other recent international policy statements (including the Declaration on the Right to Development) serve to underline the importance of integrating human rights and development objectives.

9. Moreover, while the fundamental norms to be reflected in the outcome of the Social Summit process can be expressed in relation to concepts such as "basic needs", "extreme poverty", or "human security", it is surely counter-productive to continue the proliferation of such terms in the forlorn hope that yet another new label will create a new reality. Instead, it is time to return to basics, to reaffirm these fundamental values in a language which has clearly been accepted by the great majority of the world's Governments and which has an empowering potential which is far greater than any of the "new" terms that seem (temporarily) so compelling to many development specialists but which, from the perspective of those whose basic economic, social and cultural rights are being ignored or violated, are little more than fancy but unfamiliar slogans which are devoid of any power of mobilization or transformation.

10. It is therefore proposed that the objective of achieving universal ratification of the Covenant by the year 2000 should be endorsed in the Summit Declaration and that the specific economic, social and cultural rights recognized in the Covenant should be used as the framework for the relevant part of the Programme of Action dealing with goals and objectives.

11. Moreover, given the relatively general terms in which the rights are formulated, it would be extremely valuable for the Summit Programme to identify specific sub-goals and benchmarks, as well as other means, by which the substance of the substantive obligations flowing from the rights can be further developed.

12. Beyond this normative dimension, the most important challenge facing the Social Summit lies not in the reiteration of broad commitments already undertaken many times over in documents such as the Declaration on Social Progress and Development, the four International Development Decade Strategies, the World Employment Conference Declaration, the Children's Summit, and the Declarations of Alma Ata, Jomtien, Vienna and elsewhere.

Rather, it is to devise means of implementation and follow-up which succeed in giving substance to what can otherwise become yet another set of grand rhetorical statements which increase the cynicism of observers and participants alike.

13. The Preparatory Committee will inevitably, and appropriately, endorse the existing responsibilities of different agencies and bodies within the United Nations family for the monitoring of commitments undertaken in relation to specific sectoral and other aspects of the Declaration. It will also be called upon to create an enhanced role for the Commission on Social Development and perhaps also for the Economic and Social Council. None of these actions is incompatible with according a central role to the United Nations Committee on Economic, Social and Cultural Rights for the monitoring of the economic, social and cultural rights-related commitments reflected in the Programme of Action. There are several reasons favouring such an approach:

- Some 130 States are already obligated to report on a regular basis to the Committee on the extent to which they have succeeded, or otherwise, in giving effect to each of the rights recognized in the Covenant, including the rights to reasonable labour conditions, social security, food, housing, health, education and culture;

- The Committee itself, although charged with responsibility for this monitoring task, is a creation of the Economic and Social Council and reports to it; its mandate can accordingly be expanded and adapted to take account of new tasks emanating from the Social Summit; and

- This is an ideal setting in which social development and human rights concerns can effectively be integrated and in which the cooperative efforts of different agencies and bodies can be brought together in a non-political context in which genuine accountability can be demonstrated by Governments in relation to social development objectives.

14. An additional but somewhat negative argument may also be adduced. It is that no other expert body is ever likely to have the legally binding prerogative that is vested in the Committee on Economic, Social and Cultural Rights to hold States accountable in this area. Moreover, the creation of a separate additional mechanism which ignores the pre-existing responsibilities of the Committee will inevitably result in the duplication of functions which the system has committed itself to avoid as well as increasing the existing burden upon Governments which are already required to report to a plethora of international forums. The Committee takes full account of the contributions of all United Nations agencies, as well as non-governmental organizations and other experts in its work.

15. It is therefore recommended that the Social Summit should vest principal responsibility for the monitoring of the commitments undertaken by States as a result of the Copenhagen meeting in the Committee on Economic, Social and Cultural Rights and that the Committee's mandate and methods of work should be adjusted accordingly to accommodate such responsibilities.

Annex VI

ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE CONTEXT OF THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT

Statement of the Committee on Economic, Social and Cultural Rights (eleventh session)

1. The Committee on Economic, Social and Cultural Rights, established to monitor compliance by States with their obligations under the International Covenant on Economic, Social and Cultural Rights (which currently has some 130 States parties), calls attention to its statement of May 1994 on the relationship between the Covenant and the World Summit for Social Development.

2. The Committee notes with deep regret, however, that after two Preparatory Committee sessions and the informal inter-sessional consultations of October 1994, the draft Declaration (A/CONF.166/PC/L.21 of 28 October 1994) contains no mention whatsoever either of economic, social and cultural rights or of the Covenant per se. While there are several passing references to "universally recognized human rights", and while certain civil and political rights are explicitly mentioned in different parts of the draft, there is not a single reference to any economic, social or cultural right. Instead, these rights are systematically downgraded to be covered by terms which have no specific normative content, such as "basic needs", "human needs", "equality of opportunity", "the eradication of poverty", "workers' rights" etc.

3. Moreover, it would appear that these open-ended terms are used primarily because they do not recall any legal obligations for States whether arising out of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights or the various other international instruments which affirm obligations relating to economic, social and cultural rights. The latter include the Convention on the Rights of the Child, ratified by close to 170 States, as well as the Convention on the Elimination of All Forms of Racial Discrimination.

4. The failure even to refer to the Covenant on Economic, Social and Cultural Rights, let alone to call specifically for its ratification, is surely surprising given its direct and fundamental relevance to the entire subject-matter of the Social Summit. The Committee notes that the draft does contain a specific reference to "relevant ILO conventions" (para. 3 (k)) and to the Convention on the Elimination of All Forms of Discrimination against Women (para. 5 (h)). Beyond that, there is only one general call to "encourage the ratification and full implementation of all international instruments relevant to ... the protection of human rights" (para. 4 (j)).

5. In view of the repeated affirmations by all States in many different contexts of the equal importance of the two sets of rights, the Committee considers that the approach reflected in the present draft is entirely unacceptable. It amounts to a repudiation not of only the importance, but even of the relevance, of these rights in the very context in which they are most relevant.

6. The Committee therefore calls upon the final Preparatory Committee meeting and the Social Summit itself specifically to urge all States to ratify the International Covenant on Economic, Social and Cultural Rights and to set a goal of the year 2000 for the achievement of universal ratification.

7. In addition, the Committee urges the Social Summit to recognize the contribution that should be made by the Committee in relation to the follow-up to the Copenhagen Declaration. In this regard, the Social Summit should:

(a) Call upon each State to commit itself to the achievement of specific minimum benchmarks in relation to each of the rights recognized in the Covenant, including those relating to employment, working conditions, freedom of association, social security, protection of motherhood, protection of children, the right to an adequate standard of living including adequate food, clothing and housing, the right to mental and physical health, the right to education and the right to take part in cultural life;

(b) Explicitly recognize that the Committee on Economic, Social and Cultural Rights has an important role to play in the follow-up to the Summit;

(c) Request the Committee to review the reports of all the 130 States parties to the Covenant in accordance with the benchmarks and other goals contained in the Programme of Action, and to report in detail to the Economic and Social Council; and

(d) Request the Economic and Social Council to give specific consideration on an annual basis to measures which the Committee recommends to it by way of follow-up.

Annex VII

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS TENTH SESSION

URUGUAY	Representative:	Ms. Susana Rivero, Minister, Deputy Permanent Representative of Uruguay to the United Nations Office at Geneva
	Adviser:	Mr. Nelson Chaben, First Secretary, Permanent Mission of Uruguay to the United Nations Office at Geneva
ROMANIA	Representative:	S.E. M. Romulus Neagu, Ambassadeur, Représentant permanent de la Roumanie auprès de l'Office des Nations Unies à Genève
	Advisers:	M. Alexandru Farcas, Directeur de la Division des droits de l'homme au Ministère des Affaires étrangères
		M. Nicholaus Kleininger, Directeur de la Direction de l'enseignement dans les langues des minorités nationales au Ministère de l'enseignement
		M. Sergiu Margineanu, Premier secrétaire, Mission permanente de la Roumanie auprès de l'Office des Nations Unies à Genève
MOROCCO	Representative:	S.E. M. El Ghali Benhima, Ambassadeur, Représentent permanent du Maroc auprès de l'Office des Nations Unies à Genève
	Advisers:	M. Mohamed Laghmari, Conseiller, Mission du Maroc auprès de l'Office des Nations Unies à Genève

		M. Moulay Lahcen Aboutahir, Premier secrétaire, Mission du Maroc auprès de l'Office des Nations Unies à Genève
		M. Najib Ahmed Chargé d'études auprès du Ministère de l'emploi et des affaires sociales
		M. Ahmed Badry, Directeur, Chargé de l'inspection générale des affaires culturelles, Ministère des affaires culturelles
		M. Mohamed El Hachtouki, Chef de la Division de la planification, Ministère de l'Habitat
		M. Amine Benjelloun, Chef du Service des secteurs sociaux, Ministère des Finances
IRAQ	Representative:	Dr. Khalil Hamash, Director-General of Cultural Relations, Ministry of Education
	Advisers:	Mr. Mohammed Hussein, Counsellor, Permanent Mission of Iraq to the United Nations Office at Geneva
		Mr. Mohammed Salman, First Secretary, Permanent Mission of Iraq to the United Nations Office at Geneva
BELGIUM	Representative:	S.E. M. Alexis Reyn, Ambassadeur, Représentant permanent de la Belgique auprès de l'Office des Nations Unies à Genève
	Advisers:	M. De Neve, Directeur général, Ministère de l'emploi et du travail
		M. Marc Van Craen, Représentant permanent adjoint de la Belgique auprès de l'Office des Nations Unies à Genève

		M. Vandamme, Directeur d'administration, Section des relations internationales, Ministère de l'emploi et du travail
KENYA	Representative:	H.E. Mr. Daniel D.C. Don Nanjira, Ambassador, Permanent Representative of Kenya to the United Nations Office at Geneva
	Advisers:	Mr. Alex Kiptanui Chepsiror, Second Secretary, Permanent Mission of Kenya to the United Nations Office at Geneva
		Mr. Christopher Karumba Mburu, Second Secretary, Permanent Mission of Kenya to the United Nations Office at Geneva

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS ELEVENTH SESSION

ARGENTINA	Representative:	H.E. Mr. Juan Carlos Sanchez Arnau, Ambassador, Permanent Representative of Argentina to the United Nations Office at Geneva
	Advisers:	Mr. Manuel Benitez, Minister, Permanent Mission of Argentina to the United Nations Office at Geneva
		Mr. Ernesto Paz, Minister, Permanent Mission of Argentina to the United Nations Office at Geneva
		Ms. María Cristina Tosonotti, Second Secretary, Permanent Mission of Argentina to the United Nations Office at Geneva
AUSTRIA	Representative:	H.E. Mr. Winfried Lang, Ambassador, Permanent Representative of Austria to the United Nations Office at Geneva

Advisers:

Mr. Andreas Herdina,
Minister Counsellor,
Deputy Permanent Representative
of Austria to the United Nations
Office at Geneva

Mr. Stefan Rosenmayr,
Constitutional Services,
Federal Chancellery
(Prime Minister's Office)

Mr. Herbert Langhammer,
Federal Ministry of Labour
and Social Affairs

Mr. Reinhart Ronovsky,
Federal Ministry of Education
and the Arts

Mr. Michael Desser,
First Secretary,
Permanent Mission of Austria
to the United Nations Office at Geneva

UNITED KINGDOM OF
GREAT BRITAIN AND
NORTHERN IRELAND

Representative:

Mr. H. Steel C.M.G.,
Senior Consultant to the
Foreign and Commonwealth Office,
London

Alternates:

Mr. Phillip Astley,
Head of Human Rights Policy Department,
Foreign and Commonwealth Office,
London

Mr. Michael Phipps,
Head of Pupil Welfare Division,
Department of Education,
London

Mr. Daniel Fung,
Solicitor-General,
Hong Kong Government

Mr. Duncan Pescod,
Principal Assistant,
Secretary for Home Affairs,
Hong Kong

Mr. Y.C. Cheng,
Principal Assistant Secretary
for Health and Welfare,
Hong Kong

		Mr. Peter Wong, Crown Counsel, Legal Department, Hong Kong
		Mr. R. Fan, Principal Assistant Secretary for Education and Manpower, Hong Kong
	Advisers:	Mr. Huw Llewellyn, First Secretary, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
		Ms. Emer Doherty, Third Secretary, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
DOMINICAN REPUBLIC	Representative:	S.E. Sra. Radys Polanco, Embajadora, Division de los Derechos Humanos de la Cancillería de la República Dominicana
	Alternate:	Sra. Angelina Bonetti Herrera, Ministro Consejero Encargada de Negocios, Misión Permanente de la República Dominicana ante la Oficina de los Naciones Unidas en Ginebra
PANAMA	Representative:	Mr. Leonardo Kam, Ambassador, Permanent Representative of Panama to the United Nations Office at Geneva

Annex VIII

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS TENTH SESSION

E/1990/5/Add.7	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Uruguay
E/1990/5/Add.13	Idem: Morocco
E/1990/5/Add.15	Idem: Belgium
E/1990/5/Add.17	Idem: Kenya
E/1990/7/Add.14	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15: Romania
E/1990/7/Add.15	Idem: Iraq
E/1994/23	Report of the Committee on Economic, Social and Cultural Rights on its eighth and ninth sessions
E/1994/63	Seventeenth report of the International Labour Organization
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1990/5	A revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant approved by the Committee at its fourth session
E/C.12/1991/1	Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant
E/C.12/1993/3	Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant
E/C.12/1994/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1994/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1994/L.1/Rev.1	Programme of work: note by the Secretary-General

E/C.12/1993/WP.13	Discussion note prepared by Mrs. María de los Angeles Jiménez Butragueño
E/C.12/1994/WP.6	Working paper prepared by Defense for Children International Movement
E/C.12/1994/WP.7	Working paper prepared by the secretariat of UNCTAD
E/C.12/1994/WP.8	Working paper prepared by FIAN International
E/C.12/1994/WP.9	Working paper prepared by the secretariat of the Centre for Human Rights
E/C.12/1994/NGO/1	Written statement submitted by FIAN International
E/C.12/1994/SR.1-28 and E/C.12/1994/SR.1-28/Corrigendum	Summary records of the tenth session (1st to 28th meetings) of the Committee on Economic, Social and Cultural Rights

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS ELEVENTH SESSION

E/1986/4/Add.27 E/1986/4/Add.28	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12: United Kingdom of Great Britain and Northern Ireland
E/1989/5/Add.9	Additional information submitted by States parties: United Kingdom of Great Britain and Northern Ireland
E/1990/5/Add.18	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Argentina
E/1990/5/Add.20	*Idem*: Suriname
E/1990/6/Add.5	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Austria
E/1990/7/Add.16	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15: United Kingdom of Great Britain and Northern Ireland
E/1994/23	Report of the Committee on Economic, Social and Cultural Rights on its eighth and ninth sessions
E/1994/L.23	Extract from the report of the Committee on Economic, Social and Cultural Rights on its tenth session
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee

E/C.12/1990/5	Revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant approved by the Committee at its fourth session
E/C.12/1991/1	Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant
E/C.12/1993/3	Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant
E/C.12/1994/10	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1994/11	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1994/12	Report by Mr. Philip Alston on Draft Optional Protocol
E/C.12/1994/L.2/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1993/WP.26	Draft general comment prepared by Mr. Philip Alston
E/C.12/1994/WP.15	Working paper prepared by the International Organization for the Development of Freedom of Education
E/C.12/1994/WP.16	Draft general comment prepared by Mrs. María de los Angeles Jiménez Butragueño
E/C.12/1994/WP.20	Working paper prepared by Promotion of Grassroots Enlightment and Social Security (non-governmental organization, India)
E/C.12/1994/WP.22	Working paper prepared by American Association of Jurists
E/C.12/1994/WP.23	Working paper prepared by Mrs. Virginia Bonoan-Dandan, Coordinator for the day of general discussion on human rights education and public information activities relative to the Covenant
E/C.12/1994/WP.24	Working paper prepared by Mrs. Audrey Chapman, Director, Science and Human Rights Program, American Association for the Advancement of Science

E/C.12/1994/WP.25	Working paper prepared by the United Nations Department of Public Information
E/C.12/1994/WP.28	Statement by Mr. Ivan Garvalov, Chairperson, Committee on the Elimination of Racial Discrimination
E/C.12/1994/NGO/2	Written statement submitted by Service Peace and Justice in Latin America (non-governmental organization, Argentina)
E/C.12/1994/SR.29-56 and E/C.12/1994/ SR.29-56/Corrigendum	Summary records of the eleventh session (29th to 56th meetings) of the Committee on Economic, Social and Cultural Rights

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